

SOUTH ASIA

AFGHANISTAN¹⁰

Afghanistan has experienced civil war and political instability for 22 years. There was no functioning central government, until December 22, 2001 when the Afghan Interim Administration (AIA) took office. During most of the year, the Taliban, a Pashtun-dominated ultra-conservative Islamic movement, controlled approximately 90 percent of the country, including the capital of Kabul, and all major urban areas, except Faizabad. In 1997 the Taliban issued an edict renaming the country the Islamic Emirate of Afghanistan, and named its leader, Mullah Omar, Head of State and Commander of the Faithful, granting him ultimate authority.

Omar headed the inner Shura (Council), located in the southern city of Kandahar. The Taliban's power structure reportedly narrowed during the year, and its principal consultative bodies, the Shuras, reportedly no longer functioned. Until October 7, a rival regime, the Islamic State of Afghanistan (generally known as the Northern Alliance or United Front), which nominally was headed by former Afghanistan President Burhanuddin Rabbani, an ethnic Tajik, controlled about 10 percent of the country. Rabbani and his chief military commander, Ahmed Shah Masood, for most of the year, controlled the majority Tajik areas in the country's extreme northeast. The Rabbani regime controlled most of the country's embassies and retained Afghanistan's U.N. seat after the U.N. General Assembly again deferred a decision on Afghanistan's credentials. A number of provincial administrations maintained limited functions, but civil institutions were rudimentary. There was no countrywide recognized constitution, rule of law, or independent judiciary. In 1999 the Taliban claimed that it was drafting a constitution based on Islamic law but there were no further announcements regarding a constitution during the year.

Hostilities between the Taliban and the Northern Alliance continued throughout the year. Before October 7, attempts to achieve a peaceful resolution to the conflict continued. The U.N. Secretary General's Personal Representative to Afghanistan, Francesco Vendrell, was engaged in extensive discussions with various Afghan parties and interested nations, but made no progress in ending the conflict. A process to convene a Loya Jirga, or Grand Assembly of traditional leaders, which focused on installing Rome-based former King Zahir Shah, continued to gather support but achieved no resolution.

On October 7, Operation Enduring Freedom (OEF), a U.S.-led coalition, began a military action aimed at toppling the Taliban regime and eliminating the al-Qaida terrorist network in Afghanistan. U.S. forces worked in concert with anti-Taliban forces of the Northern Alliance as well as others in southern Afghanistan. By mid-November the Taliban had been removed from power and had retreated from Kabul to southwestern Afghanistan. Taliban leader Mullah Omar and al-Qaida leader Usama bin Ladin remained fugitives at year's end, and U.S. military operations continued in an effort to capture and detain remaining Taliban and al-Qaida fighters.

On December 5, a U.N.-sponsored Afghan peace conference in Bonn, Germany approved a broad agreement for the establishment of a 6-month interim authority (AIA) to govern the country. The AIA Chairman, Hamid Karzai, and his cabinet took office December 22. During most of the year, the Taliban remained the country's primary military force. Its militia and the religious police, part of the Ministry for the Promotion of Virtue and Suppression of Vice (PVSV), were responsible for internal security in areas under Taliban control. The Taliban and members of other warring Afghan factions committed numerous serious human rights abuses in areas they occupied.

¹⁰The U.S. Embassy in Kabul was closed for security reasons from January 1989 until December 17, 2001. Information on the human rights situation was therefore limited. The report is largely focused on the human rights practices of the Taliban, which controlled over 90 percent of the country for most of the year.

The dislocations associated with more than 20 years of fighting, together with years of severe drought, have reduced the country's economy to a bare subsistence level. A U.N.-sponsored health survey in northern Afghanistan in January found alarming levels of malnutrition, especially among women and children, and officials warned that the situation could worsen dramatically. Most of the population of approximately 25.8 million was engaged in agriculture and animal husbandry. In previous years, opium poppy cultivation was the mainstay of the economy and largely financed the military operations of various factions. In 1999 and 2000, the country was the world's largest opium producer. In 2000 the Taliban banned cultivation of the opium poppy but failed to destroy the existing stockpile, reportedly the world's largest. During the year, the Taliban reportedly announced that poppy cultivation could be resumed. Planting is believed to have begun. The severe drought affected over half of the population and severely affected approximately 5 to 6 million persons. The drought increased internal displacement and caused massive loss of livestock and other means of earning a living. Livestock losses were reported at about 50 percent. The country's grain production fell by about 50 percent in the past 2 years and met less than half of the country's requirements. Crop loss in many areas averaged 75 percent. Additionally, a lack of resources and the prolonged civil war impeded reconstruction of irrigation systems, repair of market roads, and replanting of orchards.

The presence of millions of landmines and unexploded ordnance throughout the country restricted areas available for cultivation and slowed the return of refugees needed to rebuild the economy. Trade consisted mainly of opium, fruits, minerals, gems, and carpets, as well as the smuggling of goods to Pakistan. Both factions printed highly inflated rival currencies. Formal economic activity remained minimal in most of the country, especially rural areas, and was inhibited by recurrent fighting. The country was dependent on international assistance, and large portions of the population required food aid to survive. Per capita income, based on World Bank figures, was about \$280 per year. Only minimal reconstruction continued in Herat, Kandahar, and Ghazni, areas that had been under firm Taliban control for several years. Areas outside of Taliban control suffered from brigandage.

The overall human rights situation remained extremely poor, and the Taliban committed numerous serious and systemic abuses. The reported informal easing of restrictions in 2000 reversed during the year; before November, the Taliban attempted to increase its control by increasing the authority of the PVSV religious police, by increasing restrictions, and by committing a greater number of abuses. Citizens remained unable to change their government or choose their leaders peacefully. The Taliban carried out summary justice in the areas that it controlled, and reportedly was responsible for political and other extrajudicial killings, including targeted killings, summary executions, and deaths in custody. In September alleged foreign agents of al-Qaida killed Northern Alliance commander Ahmed Shah Masood. In November Taliban forces captured and executed opposition leader Abdul Haq and two associates. The Taliban took reprisals against civilian populations, such as the summary executions in January of an estimated 300 men and teenage boys of the Hazara ethnic minority in Bamiyan's Yakawlang district.

There were allegations that Taliban forces were responsible for disappearances. The Taliban imposed strict and oppressive order by means of stiff punishments for crimes in the areas that it controlled. The Taliban's religious police and Islamic courts enforced the Taliban's ultra-conservative interpretation of Islamic law, carrying out punishments such as stoning, flogging, amputations for theft, and public executions for adultery and murder. For lesser infractions, Taliban militiamen often judged accused offenders and meted out punishments, such as beatings, on the spot. Prison conditions were poor. The Taliban arbitrarily arrested and detained persons and infringed on citizens' privacy rights. Taliban military tactics forced tens of thousands of civilians to flee their homes. The Taliban also indiscriminately bombarded civilian areas and harassed, detained, and even killed members of relief organizations. Civil war conditions and the actions of competing factions effectively limited the freedoms of speech, press, assembly, and association. Freedom of religion was restricted severely; conversion from Islam to Christianity or Judaism was punishable by death. In March in Bamiyan the Taliban completely destroyed two giant statues of the Buddha that dated from pre-Islamic times and called for destruction of images in the collection at the Kabul Museum. Freedom of movement also was limited.

Years of conflict have left more than 1.2 million citizens internally displaced, while more than 3.5 million of the country's population live outside the country as refugees. Continued fighting and related security concerns, as well as the drought, discouraged many refugees from returning to their country, and caused many more to leave. Although all factions harassed domestic and international NGO's, the

Taliban in particular increased its activities in this regard during the year. Such harassment forced many NGO's to curtail their activities and, together with the intensified military activity late in the year, forced most international assistance workers to leave the country.

The human rights situation for women was extremely poor for most of the year, with widespread and widely accepted societal discrimination throughout the country. Violence against women remained a serious problem. Women and girls were subjected to rape, kidnaping, and forced marriage. Taliban restrictions against women and girls remained widespread, institutionally sanctioned, and systematic throughout most of the year. The Taliban increased enforcement of strict dress codes and maintained the prohibition against women working outside the home except in strictly limited circumstances in the health care field and in some humanitarian assistance projects. The Taliban appeared to reverse a 2-year trend of relaxing enforcement of restrictions on women and girls and increasingly restricted female education and participation in the labor force. Although girls were prohibited formally from attending school, some organizations clandestinely operated elementary schools and home schools with girls in attendance. The Taliban detained persons because of their ethnic origins. Worker rights were not defined. Reports from refugees and others indicate there was widespread disregard for and abuse of internationally recognized worker rights. Child labor persisted.

The human rights situation in areas outside of Taliban control also remained extremely poor, and Northern Alliance members reportedly committed numerous, serious abuses. Opposition forces continued sporadic rocket attacks against Kabul and bombarded civilians indiscriminately. In November Northern Alliance forces reportedly killed 100 to 300 Taliban fighters in Mazar-e-Sharif; there were conflicting reports as to whether some of the Taliban forces attempted to surrender before they were shelled. On November 25, Northern Alliance forces reportedly killed at least 120 prisoners in Mazar-e-Sharif, allegedly during the suppression of a riot. Various factions infringed on citizens' privacy rights. Armed units of the Northern Alliance, local commanders, and rogue individuals were responsible for political killing, abduction, kidnaping for ransom, torture, rape, arbitrary detention, and looting.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—Taliban forces committed a large number of political and other extrajudicial killings, both within the country and in the refugee community in Pakistan during the year.

In September agents believed to be associated with Usama bin Laden's al-Qaeda organization and working with the Taliban killed Northern Alliance Defense Minister and key military leader Ahmed Shah Masood. The agents disguised themselves as journalists to gain access to Masood and concealed explosives in their camera equipment, which they detonated in Masood's presence. The perpetrators also were killed in the explosion.

On October 25, Taliban forces captured opposition leader Abdul Haq and two associates. The three were accused of spying and attempting to bribe tribesmen. Haq and his two associates were executed the next day. According to Haq's family, he had been travelling unarmed with companions.

In June 2000, Amnesty International reported that over the previous 2 years, more than a dozen prominent citizens advocating an end to the war and establishment of a government representing all ethnic groups had been arrested and killed by the Taliban.

Much of the political and extrajudicial killing in Afghanistan during the year occurred in connection with the renewed conflict between the Taliban and the Northern Alliance that began in mid-summer and intensified late in the year. The conflict was characterized by sporadic, indiscriminate shelling and bombing, as well as mass killings.

There were reliable reports that Taliban forces fighting to recapture Yakawlang in early January were under instructions from the Taliban leadership to kill prisoners as well as civilian males. Reports indicate that the Taliban summarily executed approximately 300 Hazara men and boys. Many were shot by firing squads in public view. Those killed reportedly included aid workers and an Afghan member of a U.N. organization. According to Human Rights Watch, the killings apparently were intended as collective punishment for local residents, whom the Taliban suspected of cooperating with the Northern Alliance, and to deter such cooperation in the future. The Taliban denied responsibility but barred journalists from the area. Some sources reported that foreign Taliban volunteers were responsible for the killings. During the attack on Yakawlang, eyewitnesses reported that both sides vio-

lated the neutrality of medical facilities and failed to treat civilians as noncombatants.

Also in January, Taliban forces reportedly executed at least 31 ethnic Uzbek civilians while the Taliban retreated from Takhar province. In October there were credible reports that Taliban troops fired rockets into the middle of a crowded bazaar killing 2 civilians and injuring 16.

There were unconfirmed reports in November that foreign Taliban soldiers killed approximately 400 Afghan Taliban soldiers attempting to defect to the Northern Alliance in the city of Kunduz.

From August 9, 2000, through September 5, 2000, when the Taliban captured it, there was intense fighting around and in the town of Taloqan. During the offensive to capture Taloqan, Taliban aircraft bombed the city many times. No statistics are available regarding civilian casualties in Taloqan, but 60,000 to 75,000 persons left their homes in Taloqan and other areas in the northern part of the country to flee the fighting. Amnesty International reported that during the fighting in Taloqan, the Taliban bombarded a village, burned all of the houses there, and killed some of the villagers. It was also reported that the Taliban cut the throat of one man in front of his relatives.

In February 2000, indiscriminate bombing by the Taliban in the Panjshir valley killed eight civilians. In mid-June 2000, the Taliban began offensives in the Shomali and Kunduz areas, using aircraft to support ground troops. On July 1, 2000, the Taliban launched large-scale attacks near the towns of Baghram and Charikar, approximately 30 miles north of Kabul. Civilians continued to be the primary victims of the fighting. On July 1–2, 2000, the Taliban conducted air raids on the towns of Charikar and Jabal-as Saraf, reportedly taking civilian lives. In mid-July 2000, there were reports—denied by the Taliban—of summary executions of prisoners by the Taliban forces in the conflict areas. On July 23, 2000, Taliban aircraft bombed several towns and villages in northern Afghanistan, reportedly killing three and wounding seven civilians. On July 30, 2000, the Taliban used heavy artillery and aircraft to bomb the town of Nahreen before capturing it.

When the Taliban recaptured Bamiyan in 1999, there were reports that Taliban forces carried out summary executions upon entering the city. Amnesty International reported that hundreds of men, and in a few instances women and children, were separated from their families, taken away, and killed (see Sections 1.b. and 1.g.). There was no investigation by the Taliban of these widely publicized allegations.

The Taliban also took no action and conducted no investigation into allegations by Amnesty International that dozens of noncombatants were killed systematically by Taliban forces when they captured most of the Shomali valley in late July 1999.

In 1998 the Taliban reportedly executed as many as 189 prisoners it captured during fighting near Mazar-I-Sharif in order to avoid exchanging them with the Northern Alliance. The Taliban denied these allegations; by year's end, there had been no investigation into these alleged killings.

The Taliban employed swift summary trials and implemented strict punishments in accordance with Islamic law. Executions, whippings, and amputations at times took place before crowds of up to 30,000 persons (see Section 1.c.).

Amnesty International has reported that from 1998 to 2000, dozens of Afghan leaders and intellectuals living in Pakistan had received death threats, and several had been killed. Many believe that these political killings occurred at the direction of the Taliban. A number of moderate activists left Pakistan for other countries, partly in reaction to these killings. In June 2000, a hooded gunman shot and wounded Mohammad Enam Wak, an Afghan author, at his home in Peshawar. By year's end, no action had been taken in the case. The shooting may have been in response to a book Wak had published examining the idea of an Afghan federation on the basis of ethnic groups.

Opposition forces also reportedly committed extrajudicial killings during the year, according to press reports. In November Northern Alliance forces killed approximately 100 to 300 Taliban fighters in the city of Mazar-e-Sharif, when it shelled a former girls' school that was being used as a military barracks by the Taliban. There were conflicting reports as to whether some of the Taliban forces had attempted to surrender before the shelling.

On November 25, Northern Alliance forces reportedly killed at least 120 Taliban prisoners in Mazar-e-Sharif, allegedly during the suppression of a riot.

Opposition forces fired rockets into Kabul on a number of occasions. In many of these attacks, civilians were killed or injured. Taliban soldiers reportedly were killed and injured by landmines laid by the Northern Alliance as they advanced in the Shomali plains.

In other areas, combatants sought to kill rival commanders and their sympathizers. The perpetrators of these killings and their motives often were difficult to identify, as political motives often are entwined with family and tribal feuds, battles over the drug trade, and personal vendettas. On December 4, 2000, United Front Commander Abdullah Jan Wahidi reportedly was killed in an ambush. Northern Alliance military leader Ahmed Masood's forces executed the individuals allegedly responsible for the ambush on December 6, 40 hours after their arrest, and denied charges by Amnesty International and the individuals' relatives that the accused had been tortured (see Section 1.c. and 1.e.). The Northern Alliance also claimed that a civilian rather than a military court tried the accused.

On August 5, 2000, seven deminers working for the U.N.-funded Organization for Mine Clearance and Rehabilitation were ambushed, killed, and burned in Badghis Province; one of the deminers may have been alive at the time he was burned. It is not clear who was responsible, but the group that attacked the deminers reportedly was large, well organized, and well armed.

In 1998 the U.N. found several mass graves connected with the massacre of Taliban soldiers near Mazar-i-Sharif in 1997, which contained evidence consistent with mass executions. Independent investigations of these and other killings, including killings by the Taliban, were hindered by the continuing warfare and the unwillingness of local commanders to allow investigators to visit the areas in question. The Taliban leadership had indicated in several of these cases that investigations were underway or that investigations would be permitted. However, according to neutral observers, no real progress was made by the Taliban in facilitating investigations, and mass and other killings from 1997 and 1998 have not been investigated fully.

There has been no investigation into the 1998 killing of Lieutenant Colonel Carmine Calo, an Italian serving with the U.N. Special Mission.

In November during the capture of Kabul by the Northern Alliance, there were unconfirmed reports of civilians killing fleeing Taliban.

An estimated 400,000 Afghans have been killed or wounded by landmines. Casualties caused by landmines and unexploded ordnance are estimated at 10 to 12 per day (see Section 1.g.).

b. Disappearance.—The strict security enforced by the Taliban in areas under its control had resulted in a decrease in abductions, kidnappings, and hostages taken for ransom. However, there are credible allegations that Taliban forces were responsible for disappearances, abductions, kidnappings, and hostage-takings, and that the Taliban maintained private prisons to settle personal vendettas in areas it controlled. Amnesty International reported that hundreds of persons were separated from their families in the Taloqan area during the Taliban's 2000 summer offensive, and that these persons were taken away and are believed to have been killed (see Section 1.a.). There were unconfirmed reports that some Taliban soldiers (often reported to be foreigners) abducted girls and women from villages in the Taloqan area during fighting from June through October 2000. There also were reports of the abduction of women by the Taliban in August 1999 when the Taliban retook the Shomali plains; women reportedly were taken in trucks from the area of fighting and were trafficked to Pakistan and to the Arab Gulf states. In 1998 there were credible reports that the Taliban detained hundreds of persons, mostly ethnic Hazaras, after the takeover of Mazar-i-Sharif; the whereabouts of many such persons remained unknown at year's end. There were unconfirmed reports that some Taliban soldiers abducted girls and women from Hazara neighborhoods in Mazar-i-Sharif in 1998; the whereabouts of some of these women also were unknown at year's end (see Section 5).

Since 1998 persons who have disappeared include: General Abdul Rahman, General Farooq, Moulvi Shabuddin, Waliullah Dagarwal, General Syed Agha Rayees, Engineer Nabi Shah, and Wolaswal Ismail.

There were credible reports of some instances in which Taliban soldiers arrested individuals, often from minority ethnic groups, to extract ransoms. Abductions, kidnappings, and hostage-taking for ransom or for political reasons also occurred in non-Taliban areas, but specific information regarding such acts was unavailable. According to the U.N., in northern areas women were at risk of being raped and kidnapped. There have been unconfirmed reports that forces on both sides kidnaped young women. Some of the women reportedly then were forced to marry their kidnapers; others remained missing. To avoid this danger, some families reportedly sent their daughters to Pakistan or to Iran (see Section 5).

Groups in Russia listed nearly 300 Soviet soldiers formerly serving in Afghanistan as missing in action or prisoners of war (POW's). Most were thought to be dead or to have assimilated voluntarily into Afghan society, although some are alleged to

be held against their will. A number of persons from the former Soviet Union missing since the period of the Soviet occupation are presumed dead.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Taliban reportedly tortured opponents and beat some persons detained for political reasons. In July 2000, the U.N. Special Rapporteur on Human Rights in Afghanistan met in Iran with a former governor of Herat, General Ismail Khan, and two of his colleagues. The three stated that they were detained in a Kandahar prison on political grounds for 3 years prior to their escape in March 2000. They were kept in windowless cells and shackled the entire time (see Section 1.d.). The General's colleagues reported that they were tortured by the prison authorities, and all three reported the torture of other prisoners, including beatings administered with cables to prisoners who were hung upside down by their legs.

During the year, there were credible reports that the Taliban detained and tortured persons who they believed were being helpful to Western journalists. In July 2000, a Western journalist observed his Afghan associate being beaten severely. The associate subsequently was detained and beaten routinely until he was able to escape from prison (see Section 2.a.).

All Afghan factions were believed to have used torture against opponents and POWs, although specific information generally was lacking. Torture did not appear to be a routine practice in all cases. Some of military leader Ahmed Masood's commanders in the north reportedly used torture routinely to extract information from and break the will of prisoners and political opponents. In December 2000, following the ambush of United Front commander Abdullah Jan Wahidi, Masood's forces arrested six persons. According to Amnesty International, at least one of the prisoners reportedly was tortured severely prior to being executed; the family of Hemayatollah Hamed Akhundzada claimed that, at his burial, they saw that his nails had been pulled out and that there were signs of abuse on the rest of his body (see Section 1.a.).

The Taliban ruled strictly in areas that it controlled, establishing ad hoc and rudimentary judicial systems, based on its understanding of Islamic justice. Taliban courts imposed their extreme interpretation of Islamic law and punishments followed swift summary trials. Murderers were subjected to public executions, a punishment that at times was inflicted by the victims' families. Thieves were subjected to public amputations of one hand, one foot, or both. Adulterers were stoned to death or publicly given 100 lashes. For example, in September 2000, a man convicted of adultery was stoned publicly in Maymana in Fariab province. The woman with whom he was convicted of engaging in adultery was sentenced to 100 lashes, but the sentence was postponed because she was pregnant. A second woman, who was convicted of arranging the adultery, was sentenced to 39 lashes. The stipulated punishment for those found guilty of homosexual acts was to have walls toppled on them. Although there were no known instances of such punishment during the year, this punishment was carried out on at least one occasion in 1999, and seven times in 1998 (resulting in five deaths).

There was documentary evidence that Taliban forces, particularly religious police, threatened and beat women for what they considered immodest dress, including failure to wear a full body covering. Religious police also assaulted men for immodest dress, incorrect beard length, and long hair (see Section 2.c.). In one incident in 2000, a visiting Pakistani soccer team playing in Kandahar had their heads forcibly shaved in the middle of a match by Taliban authorities.

Prison conditions were poor. Prisoners held by some factions were not provided food; this generally was the responsibility of prisoners' relatives, who were allowed to visit to provide them with food once or twice a week. Prisoners with no relatives had to petition the local council or rely on other inmates. Prisoners lived in overcrowded, unsanitary conditions in collective cells.

There have been credible reports that torture occurred in prisons under the control of both the Taliban and the Northern Alliance. Local authorities maintained prisons in territories under their control and reportedly established torture cells in some of them. The Taliban operated prisons in Kandahar, Herat, Kabul, Jalalabad, Mazar-i-Sharif, Pul-i-Khumri, Shibarghan, Qala-e-Zaini, and Maimana. The Northern Alliance maintained prisons in Panjshir and Faizabad. According to one credible report, prison authorities in Badakhshan Province routinely used rubber and plastic bound cables in beatings. According to Amnesty International, there were reports that the Taliban forced prisoners to build a new story for the Kandahar prison building, and that some Taliban prisoners held by Masood's forces were forced to work in life-threatening conditions, such as digging trenches in mined areas.

The International Committee of the Red Cross (ICRC) continued to visit detainees throughout the year; however, intensified fighting and poor security for foreign personnel limited the ability of the ICRC to monitor prison conditions. There were re-

ports that an Afghan human rights organization visited a Taliban prison in Mazar-i-Sharif in February 1999.

d. Arbitrary Arrest, Detention, or Exile.—In the absence of formal legal and law enforcement institutions, justice was not administered according to formal legal codes, and persons were subject to arbitrary detention. There are credible reports that both Taliban and Northern Alliance militia extorted bribes from civilians in return for their release from prison or to avoid arrest. Judicial and police procedures varied from locality to locality. Little is known about the procedures for taking persons into custody and bringing them to justice. In both Taliban and non-Taliban areas, the practices varied depending on the locality, the local commanders, and other authorities. Some areas have a more formal judicial structure than others.

The Taliban reportedly detained approximately 60 civilians when it reoccupied Bamiyan's Yakawlang district in June; their whereabouts remained unknown at year's end (see Section 1.g.).

In August the Taliban jailed eight foreign workers associated with Shelter Now International, a German NGO, on charges of proselytizing. They also arrested 48 Afghan employees of the organization on unspecified charges, reportedly including apostasy, which is a capital crime. The foreign volunteers initially were denied consular access and not permitted to see their relatives or consult with an attorney. In addition, they were not informed of the specific charges against them or of the legal procedures under which they would be tried. On November 15, following the fall of Kabul, the eight workers were freed by opposing forces (see Sections 1.e. and 2.c.).

In November the Taliban detained 25 followers of tribal leader Hamid Karzai following an attack on Karzai's camp in Uruzgan province (see Section 1.a.). The status of those detained was unknown at year's end.

Taliban arrests and detentions of journalists increased during the intensified military conflict late in the year (see Section 2.a.). The Taliban also harassed and detained NGO workers throughout the year (see Sections 1.g., 2.b., and 4).

On July 9, 2000, the Taliban's PVSJ jailed for several days a foreign aid worker who had lived and worked in Afghanistan for several years, as well as a number of her Afghan associates. The aid worker and her associates promoted home-based work for women and home schools for girls. She was expelled from the country shortly after her release on July 12, 2000. She returned to Kabul in late September 2000, but again was ordered to leave the country; she departed on October 6, 2000. No reason was given by the Taliban for her arrest and deportation.

In July 2000 in Kabul, the Taliban arrested 40 members of a local group advocating a peaceful settlement of the conflict on charges of attempting to destabilize the country. There were reports that another member of this group was arrested by Pakistani authorities in Peshawar, Pakistan. No further information was available at year's end.

Amnesty International reported that the Taliban had taken children hostage in an effort to compel their fathers to surrender; the fathers of such children generally were reported to be political opponents of the Taliban. The families of these children have been told that the children would be released when their fathers surrendered to the Taliban.

A Dr. Ayub, a respected physician who headed the Shuhada Hospital in Jaghoray, was taken into custody during the Bamiyan military action in 1999 and remained in Taliban custody without charges. There was no information available on his status at year's end.

The U.N. Special Rapporteur on Human Rights in Afghanistan met in July 2000 in Iran with a former governor of Herat, General Ismail Khan, and two of his colleagues. The three claimed that they were detained in a Kandahar prison on political grounds for three years prior to their escape on March 26, 2000. They were kept in windowless cells and shackled for the entire time. The General's colleagues reported their own torture by the prison authorities, and all three reported the torture of other prisoners, including being hung upside down by the legs while being beaten with cables (see Section 1.c.).

A number of persons arrested by the Taliban in 1998 for political reasons were believed still to be in detention until the fall of the Taliban late in the year. The status of such detainees was uncertain at year's end.

All factions most likely held political detainees, but no firm numbers are available. Both the Taliban and the Northern Alliance held thousands of combatants. The Northern Alliance reportedly held a number of Pakistanis and other third country nationals, along with several hundred Taliban soldiers, as POW's. In June 2000, the Taliban and the Northern Alliance sent delegations to inspect each other's prisoners in advance of an exchange of prisoners; however, the prisoner exchange initiative ended when fighting resumed in the summer of 2000.

There was no information available regarding forced exile.

e. Denial of Fair Public Trial.—With no functioning nationwide judicial system, many municipal and provincial authorities relied on some interpretation of Islamic law and traditional tribal codes of justice. The Bonn Agreement called for the establishment of a Judicial Commission to rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law, and Afghan legal traditions. However, by year's end, the Commission members had not been announced and there was no independent judiciary.

The Taliban used Islamic courts in areas under their control to judge criminal cases and resolve disputes. According to the U.N., the Taliban asserted that there was a lower court and a higher court in every province, and a Supreme Court in Kabul. According to press reports, in 1999 Mullah Omar promulgated a decree ordering the Supreme Court and military courts not to interfere with one another. The courts reportedly dealt with all complaints, relying on the Taliban's extreme interpretation of Islamic law and punishments, as well as on traditional tribal customs (see Section 1.c.). Punishments handed down by the courts included execution and amputation. In cases involving murder and rape, convicted prisoners generally were ordered executed, although relatives of the victim could instead choose to accept other restitution or could enforce the verdict themselves. Decisions of the courts were reportedly final. The courts reportedly heard cases in sessions that lasted only a few minutes. According to Amnesty International, some judges in these courts were untrained in law and at times based their judgments on a combination of their personal understanding of Islamic law and a tribal code of honor prevalent in Pashtun areas.

Defendants did not have the right to an attorney, although they were permitted attorneys in some instances.

In August eight foreign aid workers were arrested on charges of promoting Christianity. Their trial began, but immediately was adjourned. The U.N. warned the Taliban that it was violating international norms by refusing to let the detained foreign aid workers consult with representatives of their governments or lawyers. The aid workers eventually were freed by opposition forces on November 15 (see Sections 1.d and 2.c.).

Little is known about the administration of justice in the areas that were controlled by the Northern Alliance. The administration and implementation of justice varied from area to area and depended on the inclinations of local commanders or other authorities, who summarily executed, tortured, and meted out punishments, including executions, without reference to any other authority. Following the ambush of a Northern Alliance commander in December 2000, six prisoners were arrested and executed within 40 hours of their arrest. Spokespersons for military leader Ahmed Masood claimed that the prisoners were tried before a civilian court before they were executed; however, it provided no information regarding the nature of their trial (see Sections 1.a. and 1.c.).

All factions most likely held political prisoners, but there were no reliable estimates of the numbers involved.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Continued fighting often resulted in the homes and businesses of civilians being invaded and looted by forces on all sides. Some armed gunmen reportedly acted with impunity, due to the absence of a responsive police force or legal protection for victims. It was unclear what authority controlled the actions of the Taliban militiamen who patrolled the streets of cities and towns. A number of incidents were reported in which Taliban soldiers, persons masquerading as Taliban, or foreign volunteers fighting alongside the Taliban, entered private homes without prior notification or informed consent. In Kabul soldiers allegedly searched homes for evidence of cooperation with the former authorities or for violations of Taliban decrees, including the ban on the possession of depictions of living things, including photographs, stuffed animals, and dolls. At various times, the Taliban also banned certain traditional recreational activities, such as flying kites and playing chess (see Sections 2.c. and 5).

Members of the PVSV, the Taliban's religious police, arrested or assaulted individuals on the streets for infractions of Taliban rules concerning dress, hair length, and facial hair, as well as for the violation of the prohibition on women being in the company of men who were unrelated to them. The Taliban required women to wear a burqa, a tent-like outer garment that covers a woman from head to toe, when in public (see Sections 2.c. and 5). Men were required to wear their beards a certain length or longer, not to trim their beards, and to wear head coverings. Men whose beards did not conform to the guidelines on beard length set out by the Taliban were subject to imprisonment for 10 days and mandatory Islamic instruction (see Section 2.c.). According to Amnesty International, Taliban members took

children hostage in an effort to compel their fathers to surrender (see Section 1.d.). The Taliban reportedly also required parents to give their children "Islamic" names. Many of these restrictions were eased by year's end following the removal of the Taliban and the establishment of the AIA on December 22. On July 12, the Taliban banned use of the Internet, although it was unclear whether the ban applied to humanitarian agencies. On July 19, the Taliban banned the import of 30 items it claimed were "un-Islamic," including musical instruments, cassettes, and computer discs. In 1998 the Taliban had banned televisions, satellite dishes, videocassette recorders, and video and audio cassettes. Nonetheless, televisions reportedly were sold widely (see Section 2.a.).

There were also reports that the Taliban forcibly conscripted or attempted forcibly to conscript persons, and that in several instances such attempts were resisted. Resistance to forced conscription resulted in an increased Taliban dependence on foreign volunteers. There were reports that some prisoners of the Taliban, including the sons of families that had opposed Taliban social restrictions, were drafted forcibly and sent to the front. The Taliban reportedly followed a longstanding practice of forcibly expelling ethnic Hazara and Tajiks from areas controlled by the Taliban, and otherwise harassing these minorities (see Sections 2.c. and 5). In October 2000, the Northern Alliance alleged that the Taliban forced the residents of Humber Koh and Hazrab villages near Taloqan to leave their homes before burning the dwellings.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—The Taliban posed serious obstacles to the efforts of international aid organizations to deliver food aid and other humanitarian assistance. U.N.-led negotiations to obtain Taliban permission for delivery of food and nonfood aid across the front lines into the Panjshir Valley and the Dara-i-Suf area remained at an impasse during the period that the Taliban controlled these areas. The Taliban imposed severe restrictions on international assistance activities, severely hampering personnel and limiting their effectiveness. It also restricted the ability of women to take advantage of the limited aid available by restricting their movement, and at times banned or limited deliveries into areas inhabited by non-Pashtun groups. Such restrictions and actions against humanitarian organizations by the Taliban increased during the intensified fighting late in the year. After the fall of the Taliban, looting by armed groups and individuals, general insecurity, and harsh weather conditions at times hampered humanitarian assistance efforts.

In October Taliban soldiers seized food warehouses of the U.N. World Food Program (WFP) in Kabul and Kandahar, seizing approximately 7,000 tons of food. According to a WFP spokesperson, the WFP regained control of the warehouse shortly following the takeover (see Section 2.b.). In October Medecins sans Frontieres closed its medical relief programs in two Afghan cities after armed gangs looted them of medicine, equipment, and vehicles.

On October 16, Taliban members reportedly intermittently looted the offices of the Swedish Committee for Afghanistan over a period of 2 days in five separate Afghan cities—Mazar-e-Sharif, Pul-e-Khumri, Kunduz, Taloqan, and Ghazni. According to the organization's director, Afghan staff of the committee were beaten and forced to flee, fuel reserves were set on fire, and nearly half of the committee's 80 vehicles, as well as computers, printers, photocopying machines, telephones, and furniture, were removed.

According to Human Rights Watch, on October 7 armed Taliban soldiers entered the compound of a demining NGO in Kabul. The soldiers beat staff members and broke some of the locks on vehicles. There also were credible reports that in Kandahar at least 15 to 20 vehicles also were confiscated, mostly from the U.N. Mine Action Program. On October 8, armed Taliban forces entered the compound of the U.N. Coordinator for Humanitarian Affairs (UNCHA) in Mazar-i-Sharif and looted communications equipment. The forces destroyed the windows of nine U.N. vehicles on the compound. On October 8, armed Taliban soldiers entered the compound of a demining NGO in Kandahar and demanded vehicles. Staff who resisted were beaten and ordered to leave the compound. The soldiers left with seven ambulances, seven pick-up trucks, and six cargo trucks. Another demining organization working in Kandahar reported to Human Rights Watch that Taliban forces confiscated 1 vehicle on September 26, 3 ambulances on October 3, 9 pick-up trucks on October 11, and 22 additional vehicles on October 15. The forces also looted the office of the organization, taking spare parts, generators, radios, and the personal property of organization personnel. Soldiers reportedly beat staff members who resisted. None of the vehicles had been returned by year's end. On October 15, armed men entered the Mazar-i-Sharif offices of a demining organization. Officials of the agency reported to Human Rights Watch that the men beat the organization's guards and looted the office. On October 15, armed men entered the compound of the International Organization for Migration (IOM), beat two guards, and looted the

office. The same men reportedly returned on October 16 and removed three vehicles from the compound.

Various other forces also reportedly harassed or otherwise interfered with the operation of humanitarian relief organizations. On October 13, a group of approximately 20 armed men entered the Kandahar offices of the Islamic Relief Organization, demanding vehicles at gunpoint. Taliban security forces intervened, and a clash ensued. One vehicle was taken from the compound by the unidentified armed men. On November 9, Northern Alliance forces reportedly seized a 10-truck, 200-metric-ton UNICEF supply convoy, which was carrying 300 water pumps and 150 family tents with heaters. There were reports in 1999 that some individual Northern Alliance commanders in the northeast were "taxing" humanitarian assistance entering Afghanistan from Tajikistan, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid (see Section 4).

By year's end, the international community was working closely with AIA officials in the delivery of humanitarian assistance. The Taliban's rapid fall from power averted a much-feared large-scale humanitarian disaster. The primary limitations for the delivery of assistance by the end of the year were logistical and centered on the difficulties in moving relief goods overland to Afghanistan's geographically remote areas.

According to refugees who fled Kabul, Taliban forces took cover among the civilian population and hid their military equipment in mosques and schools to avoid U.S. air strikes.

In November following the capture of Kabul by the Northern Alliance, there were credible reports that as Taliban members fled the city, they ransacked offices, stole vehicles, looted the museum, and stole an estimated \$1.5 million in the currency exchange district.

During most of the year, continued internal conflict resulted in many instances of the use of excessive force. The Taliban frequently bombed cities held by the Northern Alliance resulting in the deaths of civilians, property damage, and the displacement of residents. The Taliban reoccupied Bamiyan's Yakawlang district in June and, according to Human Rights Watch, destroyed public, residential, and commercial buildings and detained approximately 60 civilians, whose whereabouts remained unknown at year's end. As many as 50,000 residents were displaced. The Taliban units involved in the action reportedly included a large number of foreign volunteers, who were responsible for a disproportionate percentage of abuses committed by Taliban forces.

The conflict leading up to the fall of Taloqan in September 2000 displaced 60,000 to 75,000 persons, but many families quickly returned once it became clear that the Taliban was not following its scorched earth policy of previous years.

During the May 1999 recapture of Bamiyan by the Taliban, there were reports of systematic killings and summary executions by Taliban forces, as well as reports of hundreds of persons being taken away in Taliban trucks. Taliban forces reportedly also took hundreds of persons after the capture of Yakawlang the same month. In the late summer of 1999, refugees from the Taliban offensive in the Shomali plain reported summary executions of noncombatants. The number of those killed or detained in fighting by the Taliban in 1999 is unknown. In August 1998, the Taliban captured Mazar-i-Sharif and reportedly massacred as many as 5,000 persons, mostly ethnic Hazara civilians (see Sections 2.c. and 5).

In general independent investigations of alleged killings were hindered by continuing warfare and the unwillingness of local commanders to allow investigators to visit the areas in question (see Section 1.a.). While it was in control, the Taliban denied charges that its forces massacred or committed abuses against civilians and claimed that civilian deaths, if any, resulted from combat.

The Taliban claimed that the Northern Alliance bombed Shekhar Darra and Gol Darra in the summer of 2000, killing an unspecified number of civilians.

Afghanistan is the most heavily mined country in the world, according to U.N. mine-clearing experts. The U.N. estimates that there are 5 to 7 million landmines and over 750,000 pieces of unexploded ordnance throughout the country, planted mainly during the Soviet occupation. However, some NGO's estimate that there may be fewer than 1 million mines. There have been claims that 162 of 356 districts are mine-affected. The most heavily mined areas are the provinces bordering Iran and Pakistan. The landmines and unexploded ordnance caused deaths and injuries, restricted areas available for cultivation, and slowed the return of refugees. In 1999 the NGO Halo Trust estimated that mines covered more than 420 square miles, including over 285 square miles of grazing land, over 100 square miles of agricultural land, almost 25 square miles of roads, approximately 7.5 square miles of residential area, and over 2 square miles of irrigation systems and canals. From 1995 to 1997, new mines were believed to have been laid over 90 square miles of land, reportedly

mostly by the Northern Alliance in the western provinces of Badghis and Faryab. Additional newly mined areas were reported but not confirmed in 2000 and during the year in the conflict areas north of Kabul. The Northern Alliance reportedly laid these mines in response to the Taliban's summer 2000 offensive. Taliban leader Mullah Omar reportedly banned the use, production, trade, and stockpiling of mines in 1998. Despite the general prohibition on the depiction of living things, the Taliban reportedly once allowed the visual depiction of persons in demining educational materials.

An estimated 400,000 Afghans have been killed or wounded by landmines. Casualties caused by landmines and unexploded ordnance are estimated at 10 to 12 per day. In some parts of the country, including Herat and Kandahar, the presence of landmines causing bodily harm and restricting travel affected almost 90 percent of households. An estimated 96 percent of civilian mine and unexploded ordnance casualties are male. Approximately 53 percent of mine and unexploded ordnance casualties occur in the 18 to 40 age group, while 34 percent of the casualties involve children, according to the U.N. Mine Action Center. Landmines and unexploded ordnance resulted in death in approximately 30 percent of cases and in serious injuries and disability, including amputation and blindness, in approximately 20 percent of cases.

With funding from international donors, the U.N. has organized and trained mine detection and clearance teams, which operate throughout the country. Nearly all areas that have been cleared are in productive use, and approximately 1.5 million refugees and internally displaced persons (IDPs) have returned to areas cleared of mines and unexploded ordnance. Nonetheless, the mines are expected to pose a threat for many years. Clearance rates and safety have increased for clearance teams assisted by dogs. U.N. agencies and NGO's had instituted a number of educational programs and mine awareness campaigns for women and children in various parts of the country. Many were curtailed as a result of Taliban restrictions on women and girls, but have been reinvigorated since the fall of the Taliban.

Continued warfare, as well as prolonged and severe drought, also resulted in massive forced displacement of civilians. Over the course of the year, it is estimated that up to 500,000 Afghans were displaced (300,000 internally displaced persons and 200,000 refugees) due to internal fighting, drought, and the military activities beginning in October (see Section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—There were no laws that effectively provide for freedom of speech and of the press, and senior officials of various warring factions attempted to intimidate journalists and influence their reporting. There were fewer than 10 regular publications in the country. All other newspapers were published only sporadically, and for the most part were affiliated with different factions. Various factions maintained their own communications facilities. The Taliban selectively banned the entry of foreign newspapers into their territory. Many foreign books were prohibited. The Taliban radio station, the Voice of Shariat, broadcast religious programming and Taliban pronouncements. As anti-Taliban forces began liberating areas of Afghanistan formerly under Taliban control in November and December, facilities began broadcasting a wider variety of programming, including music programs.

All factions attempted to pressure foreign journalists who reported on the conflict. The Taliban initially cooperated with members of the international press who arrived in Kabul, but later imposed restrictions on them. The Taliban banned all foreign journalists from filming or photographing persons or animals and required them to be accompanied at all times by a Taliban escort to ensure that such restrictions were enforced. Foreign male journalists were not permitted to interview women.

In August 2000, the Taliban introduced additional strict regulations governing the work of foreign journalists in the country. A list of 21 points "to be respected" was provided to foreign journalists upon arrival. The list included an item requiring journalists "not to offend the people's feelings." Journalists were required to inform the Taliban authorities when they traveled outside of Kabul and to stay out of prohibited areas. Journalists could work only with approved interpreters and local assistants, were required to renew their work permits every year, and were required to register all of their professional equipment. The Taliban also required most journalists to stay at the Intercontinental Hotel in Kabul, allegedly for security and economic reasons.

The Taliban had arrested an estimated 34 journalists since it took control of Kabul in September 1996. In March the Taliban authorities expelled a BBC jour-

nalist for what it considered biased reporting on the destruction of the statues of the Buddha in Bamiyan (see Section 2.c.).

Taliban arrests of and restrictions against journalists increased during the intensified military conflict late in the year. Beginning in September, the Taliban banned foreign media from areas under their control, and stated that they would not issue visas (see Section 2.d.). In September the Taliban arrested British journalist Yvonne Ridley, along with two Pakistani guides, Gul Muhmand and Jan Ali. Ridley was held for 10 days on charges of spying. She was released on October 8. Muhmand and Ali were released on November 13. On October 9, the Taliban arrested French journalist Michel Peyrard, who illegally had entered the country disguised in a burqa, and a Pakistani reporter, Mukkaram Khan, and a Pakistani guide, Mohammad Irfan. The three were charged with spying. Peyrard was released on November 3, Irfan was released on November 10 and escorted to the Pakistani border, and Khan was released on November 12 and returned to Pakistan. On October 22, the Taliban arrested a Japanese journalist, Daigen Yanagida, in Asadabad. Yanagida was imprisoned until November 16, then released.

After meeting in Pakistan with Canadian diplomats and Pakistani authorities, the Taliban on December 1 released Ken Hechtman, a Canadian journalist, who had been held captive in Spin Boldak by approximately 11 armed Taliban members.

In July 2000, a Western journalist, while being detained, observed his Afghan associate being beaten severely. The journalist subsequently was expelled from the country, and his associate was detained and beaten routinely until he escaped from prison. In August 2000, the PVSV arrested three foreign journalists, allegedly for photographing a soccer match in Kabul. The journalists were interrogated for 2 hours, after which their film was confiscated. PVSV officials stated that taking pictures of living things was forbidden.

A number of journalists were killed during the intensified fighting late in the year. On November 11, Taliban forces fired on a Northern Alliance military convoy, killing three journalists—Pierre Billaud, Volker Hankloik, and Johannes Sutton—who were riding with the Northern Alliance soldiers in an armored personnel carrier. The convoy was advancing toward Taliban positions near the city of Taloqan.

On November 19 in Mnanagarhar Province, armed men forced four journalists, Harry Burton, Maria Grazia Cutuli, Julio Fuentes, and Azizullah Haidari, out of their convoy of vehicles and executed them.

On November 26, in an apparent attempted robbery, armed gunmen broke into a home in Taloqan in northeast Afghanistan in which Swedish journalists were sleeping. The gunmen killed journalist Ulf Stromberg. The intruders demanded money and stole equipment, including cameras, computers, and a satellite phone.

There have been numerous threats to Afghan journalists working in exile in Pakistan; the United Nations High Commission for Refugees (UNHCR) has assisted approximately 10 Afghan journalists in relocating to Western countries from Pakistan. Many believe that Taliban authorities made these threats in response to critical reporting. For example, in July 2000, Inayat-ul-Haq Yasinin, a journalist in Peshawar, received death threats for publishing the results of an opinion poll on Afghan refugees living in Peshawar.

The Taliban prohibited music, movies, and television on religious grounds. In August 1998, television sets, videocassettes, videocassette recorders, audiocassettes, and satellite dishes were outlawed in order to enforce the prohibition. The ban continued during most of the year, although televisions reportedly were sold widely, and their use generally was ignored unless reported by a neighbor (see Section 2.a.). By year's end after the AIA took office, televisions, radios and other electronic goods were sold freely, and music was played widely.

In July the Taliban banned use of the Internet (see Section 1.f.).

The Taliban severely restricted academic freedom, particularly education for girls (see Section 5).

b. Freedom of Peaceful Assembly and Association.—War, tenuous security, and likely opposition from local authorities seriously inhibited freedom of assembly and association during most of the year, particularly in areas that were under Taliban control.

In the past, the Taliban has used excessive force against demonstrators, but there were no such reports during the year.

It is unknown whether laws existed that governed the formation of associations. Many domestic NGO's operated in the country, and many international NGO's also operated during most of the year. All factions continued to harass and interfere with the operations of domestic and international NGO's, including aid organizations.

The Taliban interfered consistently with the operations of the U.N. and NGO's. The Taliban reportedly required NGO's to undergo burdensome registration procedures to obtain permission to operate and attempted to exert control over NGO

staffing and office locations, especially in Kabul. Other Taliban restrictions on freedom of association included threatening to impound vehicles of NGO's that did not work on projects approved by the Taliban and forcing organizations to employ Taliban supervisors or workers. In September the Taliban occupied the offices of many NGO's throughout the country, including the WFP, restricting communications to foreign headquarters but generally allowing local staff to operate the organizations. Almost all foreign personnel of NGO's in the country had left areas under Taliban control when the U.S.-led coalition military operations began in October, either on their own or after being expelled by the Taliban. Foreign personnel had begun returning to Kabul and other major cities where security conditions permitted their return by year's end.

In May religious police raided an Italian-funded hospital in Kabul, assaulted staff members, and forced the hospital to suspend operations because male and female staff allegedly mixed in the dining rooms and operating wards. The Taliban detained the director of one NGO and impounded all of the NGO's equipment in an effort to increase Taliban control of the organization. In August the Taliban arrested 8 foreign aid workers and an estimated 48 Afghan employees of the NGO on charges of proselytizing; they were freed by opposing forces on November 15 (see Sections 1.d. and 2.c.).

The Taliban announced in March 1998 that foreign Muslim women, including U.N. workers, would be allowed to perform their jobs only if accompanied by a male relative, a decision that continued to hamper NGO and relief operations during the year. The U.N. withdrew its personnel from southern Afghanistan in late March 1998 to protest the assault on a U.N. worker by the Taliban governor of Kandahar Province and the interference with its work by the Taliban. After reaching agreements with local officials, the U.N. returned to Kandahar in May 1999.

On June 15, 1999, members of the Taliban detained and beat staff members of an international NGO in Bamiyan Province. After the incident, Mullah Omar issued an edict stating that any person causing annoyance to a foreign worker could face punishment of up to 5 years in prison. However, in November 1999, U.N. properties were targeted in organized demonstrations in several cities when U.N. sanctions related to terrorism were imposed on the country. Certain key issues, including the mobility of international female Muslim staff and access by Afghan women and girls to programs, remained unresolved at year's end (see Section 4).

There were reports in 1999 that military leader Ahmed Masood's commanders in the northeast were "taxing" humanitarian assistance entering Afghanistan from Tajikistan, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid. At year's end, NGO's and international organizations continued to report that local commanders were charging them for the relief supplies they were bringing into the country (see Sections 1.g. and 4).

c. Freedom of Religion.—Freedom of religion was restricted severely. Due to the absence of a constitution and the ongoing civil war, religious freedom is determined primarily by the unofficial, unwritten, and evolving policies of the warring factions. For most of the year in most parts of the country, the Taliban vigorously enforced its extreme interpretation of Islamic law. Sunni Islam of the Hanafi school of jurisprudence traditionally has been the dominant religion, and the Taliban also nominally adhered to the Hanafi school. The Taliban claimed in mid-1999 that it was drafting a new constitution based on the sources of Islamic religious (Shari'a) law (the Koran, the Sunna, and Hanafi jurisprudence.) A Taliban spokesman stated that the new constitution would ensure the rights of all Muslims and of religious minorities; however, a constitution never was adopted. Custom and law required affiliation with some religion, and atheism was considered apostasy and was punishable by death. Licensing and registration of religious groups do not appear to be required by the authorities in any part of the country. The small number of non-Muslim residents remaining in the country may practice their faith but may not proselytize.

The country's official name, according to the Taliban, was the Islamic Emirate of Afghanistan; according to the Northern Alliance, it was the Islamic State of Afghanistan. These names reflected the desire of both factions to promote Islam as the state religion. Taliban leader Mullah Omar carried the title of Commander of the Faithful.

The Taliban ruled strictly in areas that it controlled, establishing ad hoc and rudimentary judicial systems. The Taliban established Islamic courts to judge criminal cases and resolve disputes. Taliban courts imposed their extreme interpretation of Islamic law and punishments following swift summary trials (see Section 1.e.).

The Taliban sought to institute its extreme interpretation of Islamic observance in areas under its control and declared that all Muslims in areas under Taliban control must abide by the Taliban's interpretation of Islamic law. The Taliban announced its proclamations and edicts through broadcasts on the Taliban's Radio

Shariat and relied on a religious police force under the control of the PVSV to enforce rules regarding appearance, dress, employment, access to medical care, religious practice, expression, and other behavior. Members of the PVSV, which was raised to the status of a Ministry in May 1998, regularly monitored persons on the street to ensure that individuals were conforming to Taliban edicts. Persons found to be in violation of the edicts were subject to punishment meted out on the spot, including beatings and detention. In practice the rigid policies adopted both by the Taliban and by certain opposition groups had a chilling effect on adherents of other forms of Islam and on other faiths. Enforcement of Taliban social strictures was erratic; Taliban edicts generally were enforced in the cities, especially in Kabul, but enforced less consistently in rural areas, in which more discretion was permitted based on local custom.

Reliable sources estimate that 85 percent of the population are Sunni Muslim and most of the remaining 15 percent are Shi'a. Shi'a, including the predominately Shi'a Hazara ethnic group, are among the most economically disadvantaged persons in the country. The Shi'a minority seeks a national government that would give them equal rights as citizens. There also are small numbers of Ismailis living in the central and northern parts of the country. Ismailis are Shi'a, but consider the Aga Khan their spiritual leader. In the past, small communities of Hindus, Sikhs, Jews, and Christians lived in the country, but most members of these communities have left. Almost all members of the country's small Hindu and Sikh populations, which once numbered about 50,000 persons, have emigrated or taken refuge abroad.

In March the Taliban, acting on what it claimed to be religious grounds, completely destroyed two giant statues of the Buddha dating from pre-Islamic times, which were carved into the cliffs near Bamiyan. The statues had been damaged in the past, but the Taliban claimed that the damage was unauthorized vandalism committed by a soldier, and that they would protect the statues from further damage. The destruction of the statues received worldwide criticism, including from numerous Islamic authorities. On February 26, Mullah Omar had ordered the destruction of all statues in the country. The Taliban also claimed to have destroyed statues and images in the collections of the Kabul Museum and elsewhere dating from the pre-Islamic period. There reportedly are no practicing Buddhists in the country; however, the Bamiyan statues and the collection of pre-Islamic images, most dating from the classic Gandhara period, are widely considered to be important cultural artifacts and religious symbols.

On May 23, the Taliban decreed that Hindus and Sikhs would be required to wear a piece of yellow cloth attached to their clothing to identify their religious affiliation. The Taliban purportedly imposed this system of identification to spare non-Muslims from the enforcement of rules mandatory for Muslims and from harassment by agents of the PVSV. The requirement later was suspended, and an identity card was to be issued instead. On July 3, the Taliban announced that Hindus would be consulted before ordering them to wear any distinctive mark to differentiate themselves from Muslims.

According to Human Rights Watch, in September 1999, the Taliban issued decrees barring non-Muslims from building places of worship but allowing them to worship at existing holy sites; forbidding non-Muslims from criticizing Muslims; ordering non-Muslims to identify their houses by placing a yellow cloth on their rooftops; banning non-Muslims from living in the same residence as Muslims; and requiring that non-Muslim women wear a yellow dress with a special mark so that Muslims could keep their distance.

In Taliban-controlled areas, the Taliban had decreed that all Muslims were required to take part in five daily prayers. Those who were observed not praying at appointed times or who were late attending prayer were subject to punishment, including severe beatings. Friday noon prayers at mosques reportedly were compulsory for all Muslim men; women and girls reportedly were forbidden to enter mosques and thus were forced to pray at home.

During most of the year, publishing and distribution of literature of any kind, including religious material, was rare.

On January 7, the Taliban issued a decree calling for capital punishment for any Afghan who converted from Islam. Decree 14, which was issued in June and related to foreigners in Afghanistan, stated that those preaching other religions to Afghan Muslims would be deported after being imprisoned for 3 to 10 days. Taliban officials subsequently stated that the initial decree was only a guideline. A small number of foreign Christian groups were allowed in the country to provide humanitarian assistance; however, they were forbidden to proselytize. Conversion from Islam was considered apostasy and was punishable by death. There was no information available regarding converts and no information available concerning restrictions on the training of clergy.

In August the Taliban arrested eight foreign aid workers affiliated with an NGO on charges of proselytizing. An estimated 48 Afghan employees of the NGO also were arrested and reportedly also charged with apostasy. All those arrested reportedly were freed by opposition forces on November 15, following the fall of Kabul (see Sections 1.d. and 1.e.). The Taliban reportedly stated that 59 children who had been taught by the arrested workers were sent to a correctional facility, where they would remain until all Christian influences were removed. In August the Taliban expelled two other religion-based NGO's with longtime presences in the country on unspecified grounds, ordering their foreign personnel to depart the country within 72 hours.

The Taliban reportedly had a long history committing numerous human rights violations against the mostly Shi'a Hazaras, including summary executions, massacres, and mass arrests. There were reliable reports that the Taliban summarily executed approximately 300 Hazara men and boys after recapturing Yakawlang in early January (see Section 1.a.). There were reports of mass arrests by the Taliban in Hazara neighborhoods of Kabul in January 1998. There also were credible reports of the massacre of thousands of civilians and prisoners by the Taliban during and after the capture of Mazar-i-Sharif in August 1998; this massacre reportedly was aimed at ethnic Hazaras. In September 1998, approximately 500 persons were killed when the Taliban took control of the city of Bamiyan. The Hazaras regained control of Bamiyan in April 1999 following prolonged guerrilla-style warfare; however, the Taliban recaptured Bamiyan in May 1999 and reportedly killed a number of Shi'a residents. There were reports during 1999 and 2000 that there were forced expulsions of ethnic Hazaras and Tajiks from areas controlled or conquered by the Taliban, as well as harassment of these minorities throughout Taliban controlled areas.

The Ismaili community fought for the Northern Alliance against the Taliban and suffered when the Taliban occupied territories once held by Ismaili forces. There were reports of mistreatment of Ismailis at the hands of the Taliban and destruction of some of their cultural monuments.

The Taliban, following its extreme interpretation of Shari'a, required women when in public to wear a head-to-toe garment known as the burqa, which has only a mesh screen for vision. The requirement to wear the burqa represented a significant change in practice. According to a decree announced by the religious police in 1997, women found outside the home who were not covered properly would be punished severely, along with their family elders. In Kabul and elsewhere, women found in public not wearing the burqa, or whose burqas did not cover their ankles, were beaten by Taliban militiamen. According to Taliban regulations, men's beards were required to extend farther than a fist clamped at the base of the chin. Men also were required to wear head coverings and to wear their hair short. A man who had shaved or cut his beard was subject to imprisonment for 10 days and required to undergo Islamic instruction. All students at Kabul University reportedly were required to have beards in order to study there (no female students were allowed). There also were credible reports that Taliban members gave forced haircuts to males in Kabul. In January the Taliban reportedly arrested 28 barbers in Kabul for giving customers a haircut styled after that of actor Leonardo DiCaprio in the film "Titanic." In March religious police reportedly ordered all students across the country to wear turbans in class. Students from grades one to six reportedly were required to wear black turbans and students in higher grades to wear white turbans. Students who did not follow the instructions were turned away from their classrooms. At various times, the Taliban banned certain traditional recreational activities, such as flying kites and playing chess. Dolls, stuffed animals, and photographs were prohibited under the Taliban's interpretation of religious injunctions against representations of living beings; in search of these objects, Taliban soldiers or persons masquerading as Taliban members reportedly entered private homes without prior notification or informed consent. The Taliban reportedly had required parents to give their children Islamic names (see Section 1.f.).

The Taliban continued to prohibit music, movies, and television on religious grounds in Taliban-controlled areas. In 1998 television sets, videocassette recorders, videocassettes, audiocassettes, and satellite dishes were outlawed in order to enforce the prohibition. However, subsequent reports indicated that many persons in urban areas around the country owned such electronic devices despite the ban (see Section 1.f. and 2.a.).

While some Taliban leaders claimed tolerance of religious minorities, the Taliban reportedly imposed some restrictions on Shi'a Muslims in Taliban-controlled territory, although not uniformly. For example, the Taliban allegedly ordered Shi'a to confine their Ashura commemorations during the month of Muharram to their

mosques and to avoid the public processions that are an integral part of Ashura in other countries with Shi'a populations.

There are unconfirmed reports that the Taliban occupied and "cleaned" Shi'a mosques for use by Sunnis, including a Shi'a mosque in Mazar-i-Sharif in 1998.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Although in principle male citizens have the right to travel freely both inside and outside the country, their ability to travel within the country was hampered by warfare, brigandage, landmines, a road network in a state of disrepair, and limited domestic air service, complicated by factional threats to air traffic. Some Afghans reported difficulty in receiving necessary permits to leave the country for tourism or business purposes, while others reported no such difficulty. The Taliban's restrictions on women further curtailed freedom of movement (see Sections 2.c. and 5). Despite these obstacles, many persons continued to travel relatively freely, with buses using routes in most parts of the country. However, due to intensified fighting, international aid agencies often found that their ability to travel, work, and distribute assistance was hampered severely. International travel continued to be difficult as both the Taliban and the Northern Alliance threatened to shoot down any planes that flew without their permission over areas of the country that they controlled. U.N. Security Council sanctions imposed because of the Taliban's links to international terrorism eliminated landing rights for the Afghan airline Ariana at non-Afghan airports and urged member states to restrict the entry into their territories of senior Taliban officials.

Commercial trade was impeded in certain non-Taliban areas, as local commanders and criminals continued to demonstrate their control over the roads by demanding road tolls and at times closing roads.

Afghans continued to form one of the world's largest refugee populations, and the number of refugees increased as a result of the intensified military actions late in the year. According to the UNHCR, at year's end more than 3.5 million Afghans remained outside the country as registered refugees: Over 2 million in Pakistan; more than 1.5 million in Iran; and some in Russia, India, and Central Asia. Women and children constituted 75 percent of the refugee population. In addition there were a reported 1.1 million IDP's following years of fighting and drought, even before the events of the latter part of the year. Since October an estimated 300,000 more have left their homes. Many more are believed to be too poor to afford transportation or too weak to move. A total of 4,069,000 Afghan refugees have been repatriated since 1988, with over 1.5 million returning to the country in the peak year of 1992. An estimated 70,000 Afghan refugees returned to their home communities from Pakistan and Iran between November and year's end.

Late in the year, all six countries neighboring Afghanistan (Pakistan, Iran, Tajikistan, Turkmenistan, Uzbekistan, and China) officially closed their borders to refugees, citing both security reasons and an inability to absorb more refugees. According to the UNHCR, during the first 6 months of the year, the Government of Iran deported an estimated 82,000 Afghans, and on July 15, announced that it would deport any Afghan who lacked documentation or who had failed to register. In addition, on September 25, Iranian newspapers reported that 248 Afghans who had fled from Afghanistan because of fears of a U.S.-led military action on the country were arrested and returned to Afghanistan. In 2000 133,600 refugees were repatriated voluntarily from Iran under a UNHCR-Iran program, and another 50,000 are estimated to have returned outside the program. Despite the Government of Pakistan's official closed border policy, Afghans in Pakistan are known to cross and recross the border routinely.

In October the Government of Iran set up two camps for Afghan IDP's who were attempting to flee to Iran from territory that was then controlled by the Taliban. The camps sheltered more than 10,000 refugees at year's end.

According to a November UNHCR report, Northern Alliance forces surrounded a Taliban-occupied camp for displaced persons in southwestern Afghanistan, apparently trapping 6,000 Afghan civilians inside the camp.

There was no available information on policies regarding refugees, asylum, provision of first asylum, or the forced return of refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

There was no functioning central government in the country. The continuing struggle for political power among the major armed groups prevented citizens from changing their government or choosing their leaders peacefully. Most political changes came about through shifting military fortunes. No faction held elections or respected citizens' right to change their government peacefully.

The Taliban movement's authority had emanated from its leader, Mullah Omar, who carried the title Commander of the Faithful, and from the Taliban's military occupation of most of the country. Governmental functions reportedly were exercised through the key Taliban governing body, the Inner Shura, which was based in Kandahar, as well as by ministries based in Kabul.

Nominal president Burhanuddin Rabbani headed the Northern Alliance. Rabbani's support was based primarily in his Tajik ethnic group, with military support provided by the forces once commanded by the late Ahmed Shah Masood. Rabbani received nominal support from General Rashid Dostam and a faction of the Shi'a Hazara Hezb-i-Wahdat. Another faction of the Hezb-i-Wahdat nominally allied itself with the Taliban early in 1999. Northern Alliance forces controlled the north-eastern, largely Tajik, portion of the country, including the strategic Panjshir valley north of Kabul, until the events late in the year.

On October 7, Operation Enduring Freedom (OEF), a U.S.-led coalition, began a military action aimed at toppling the Taliban regime and eliminating the al-Qaida terrorist network in Afghanistan. U.S. forces worked in concert with anti-Taliban forces of the Northern Alliance as well as with others in southern Afghanistan. By mid-November the Taliban had been removed from power, and forces had retreated from Kabul to southwestern Afghanistan. Taliban leader Mullah Omar and al-Qaida leader Usama bin Ladin remained fugitives at year's end, and U.S. military operations continued in an effort to capture and detain remaining Taliban and al-Qaida fighters.

On December 5, Afghan representatives of the Northern Alliance and of groups formerly in exile—the Rome Group, the Cyprus Group, and the Peshawar Group—met in Bonn, Germany under U.N. auspices and signed the Bonn Agreement, a broad framework document for political transition in Afghanistan leading to a permanent government. The Bonn Agreement also outlined the establishment of other provisional institutions and bodies to assist in the formation of a broad-based multi-ethnic and representative government. Finally, the Bonn Agreement proposed an international security force for the country until the Afghan authorities are prepared to assume responsibility and called on the international community to assist in the formation of a national army and police force. The first provisional governing body for Afghanistan, the AIA, was named in the Bonn Agreement. The AIA was sworn in on December 22 in Kabul, led by Chairman Hamid Karzai, assisted by five Vice-Chairmen and 24 Cabinet members. The 30-member AIA is representative of Afghanistan's diverse geographic and ethnic makeup, and includes expatriates and two women.

Until the Taliban's fall from power, discontent with the Taliban's strictures and its rural southern Pashtun values was strong in Kabul and in non-Pashtun cities in the north. The Taliban's previous military successes did not encourage the group's leaders to engage in meaningful political dialog with opponents.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are many NGO's, both domestic and international, in the country. Some of these are based in neighboring countries, mostly Pakistan, with branches inside the country; others are based in Afghan cities and rural areas. The focus of their activities is primarily humanitarian assistance, rehabilitation, health, education, and agriculture.

Several domestic human rights NGO's also operated in the country; however, war and lack of security continued to make it difficult for human rights organizations to monitor adequately the situation inside the country. The Afghan League of Human Rights, which operates both in Afghanistan and Pakistan, produced an annual report. The Cooperation Center for Afghanistan (CCA) is an Afghan NGO that operates in both Pakistan and Afghanistan. The CCA maintains an office in Peshawar, where it produces a monthly newsletter on the Afghan human rights situation. It also monitored and documented the human rights situation from several offices in both Taliban-controlled and Northern Alliance-controlled cities. The National Commission on Human Rights in Afghanistan began operations during 1998 in Pakistan, conducting seminars on human rights issues, issuing press statements criticizing specific instances of human rights abuses, and placing articles in Pashtu and Dari newspapers. The Afghanistan Commission for Human Rights, founded in 1997 after discussions with Taliban authorities on Islamic aspects of human rights, also began activities in Pakistan in 1998, focused on the plight of Afghan prisoners in Pakistani prisons and on children's rights.

In 2000 the Taliban issued an edict banning women's employment (except in the health care sector) by U.N. agencies and NGO's (see Section 5).

In March the Taliban granted a visa to the U.N. Special Rapporteur on Human Rights to visit Afghanistan, but restricted her to Kabul. In September 2000 and in January, the Taliban refused to issue her a visa.

During the year, the Taliban continued to pose serious obstacles to the international aid community's efforts to deliver food aid and other humanitarian assistance to citizens (see Section 1.g.).

The Taliban continued to harass domestic and international NGO's, as well as U.N. agencies, and continued to interfere with their operations. Tactics used included detaining NGO members, threatening to impound the vehicles of NGO's that did not work on projects preferred by the Taliban, and threatening to close projects that do not include Taliban supervisors or workers. In August the Taliban arrested 8 foreign aid workers and an estimated 48 Afghan employees of the NGO on charges of proselytizing; they were freed by opposing forces on November 15 (see Sections 1.d., 1.e., and 2.c.). The Taliban detained the director of a local NGO and impounded all of the NGO's equipment in an effort to increase Taliban control of the organization. The Taliban announced in March 1998 that foreign Muslim women, including U.N. workers, would be allowed to perform their jobs only if accompanied by a male relative, a directive that continued to hamper NGO and relief operations during most of the year.

In 1999 staff members of an international NGO were detained and beaten by members of the Taliban in Bamiyan Province. After the incident, Mullah Omar issued an edict stating that any person causing annoyance to a foreign worker could face punishment of up to 5 years in prison. However, in November 1999, U.N. properties were targeted in organized demonstrations in several cities when U.N. sanctions related to terrorism were imposed on the country. Certain key issues, including the mobility of international female Muslim staff and access by Afghan women and girls to programs, remained to be addressed at year's end.

There were reports in 1999 that military leader Ahmed Masood's commanders in the northeast were "taxing" humanitarian assistance entering Afghanistan from Tajikistan, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid. There were similar reports during the year (see Sections 1.g. and 2.b.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

For much of the year, there was no functioning constitution or legal provisions prohibiting or protecting against discrimination based on race, sex, religion, disability, language, or social status. However, the December 5 Bonn Agreement stated that the 1964 Constitution of Afghanistan would apply on an interim basis until the adoption of a new constitution. Those provisions of the 1964 Constitution relating to the monarchy and to the executive and legislative bodies would not apply; however, provisions prohibiting discrimination based on race, sex, and religion would be in effect. Despite the legal primacy of the 1964 Constitution at year's end, local custom and practices generally prevailed. Discrimination against women remained prevalent throughout the country. Its severity varied from area to area, depending on the local leadership's attitude toward education for girls and employment for women and on local attitudes. Historically the minority Shi'a faced discrimination from the majority Sunni population. There was greater acceptance of persons with disabilities as the number of persons maimed by landmines and warfare increased, and as the presence of persons with disabilities became more widespread. In 1998 and 1999, the Taliban on several occasions sought to execute homosexuals by toppling walls on them (see Sections 1.a. and 1.c.); this is not known to have occurred during the year.

Women.—As lawlessness and interfactional fighting continued in some areas, violence against women occurred frequently, including beatings, rapes, forced marriages, disappearances, kidnappings, and killings. Such incidents generally went unreported, and most information was anecdotal. It was difficult to document rapes, in particular, in view of the social stigma that surrounds rape. Although the stability brought to much of the country by Taliban rule generally may have reduced violence against women, particularly rapes and kidnappings, Taliban members threatened or beat women to enforce the Taliban's dress code for women, and the Taliban imposed wide-ranging and even life-threatening restrictions on women's mobility and their ability to obtain gainful employment.

There were unconfirmed reports that the Taliban, or foreign "volunteers" fighting alongside the Taliban, abducted women during the military offensive on Taloqan and elsewhere in 2000. There also were unconfirmed reports that Taliban soldiers or foreign volunteers abducted women in the offensive in the Shomali plains in 1999 and that they raped and abducted women from Hazara neighborhoods in Mazar-i-

Sharif in August 1998. The whereabouts of some of these women was unknown at year's end.

The enforced seclusion of women within the home greatly limited the information available on domestic violence and marital rape. In a climate of secrecy and impunity, it was likely that domestic violence against women remained a serious problem.

Women accused of adultery also were subjected to violence. Adultery was punishable by death through stoning. In 2000 at least one accused adulteress was sentenced to 100 lashes; a female accomplice was sentenced to 30 lashes. Overall, the situation of women and girls remained mostly unchanged under Taliban rule, as the Taliban generally continued to apply its ultra-conservative interpretation of Islamic law. Following the Taliban's fall from power and the signing of the Bonn Agreement and easing of restrictions on women, some Afghan women made tentative steps towards resumption of public life. However, lack of education and unavailability of jobs remained significant problems for many women seeking greater opportunity despite the removal of the Taliban.

Discrimination against women in areas under Taliban control was particularly harsh. The Taliban initially excluded women from all employment outside the home, apart from the traditional work of women in agriculture; women were forbidden to leave the home except in the company of a male relative. In urban areas, and particularly after the Taliban took Kabul in 1996, the Taliban forced almost all female professionals and clerical workers, including teachers, doctors, nurses, bank tellers, and aid workers, to quit their jobs. In a few cases, the Taliban permitted women to work in health care occupations under restricted circumstances. In July 2000, the Taliban issued a decree banning women's employment (except in the health care sector) by U.N. agencies and NGO's. Implementation remained erratic, but the U.N. and NGO's nonetheless required their female staff to remain at home to avoid open confrontation with the Taliban. The prohibition on women working outside of the home was especially difficult for the large numbers of widows left by 20 years of civil war; there were an estimated 30,000 widows in Kabul alone. Many women reportedly were reduced to selling all of their possessions and to begging to feed their families. On August 6, 2000, the Taliban issued an order closing down the 25 widows' bakeries operated by the WFP, which provided food to the neediest citizens, including many war widows and other female-headed households. The Taliban reversed its decision the next day, apparently accepting the WFP's explanation that female staff of the bakeries were not direct hire WFP employees and therefore not subject to the July 6 order.

Girls formally were prohibited from attending school, apart from instruction provided in mosques, which was mainly religious in content. Some girls were educated in formal, community-based or home schools operated in country by international NGO's; however, their activities were restricted severely during the year. Some home schools also existed, but were forced to operate clandestinely. Students, teachers, and their families were subject to punishment if discovered. By year's end, some girls were returning to schools; however, the lack of teachers and materials remained deterrents to girls' education.

Most citizens lack any access to adequate medical facilities, and the provision of health care under Taliban rule remained poor. Such conditions particularly affected women. Life expectancy was estimated at 45.1 years for women and 46.6 years for men. In most regions, there was less than 1 physician per 10,000 persons. Health services reached only 29 percent of the population and only 17 percent of the rural population. Clean water reached only about 12 percent of the population. Health care for both men and women was hampered by the Taliban's ban on images of humans, which caused the destruction of public education posters and made the provision and dissemination of health information in a society with high levels of illiteracy more difficult. Tuberculosis rates for women and maternal mortality rates were extremely high.

Taliban actions significantly reduced women's access to health care. In practice women were excluded from treatment by male physicians in most hospitals. These rules made obtaining treatment extremely difficult for most women, and especially for widows in Kabul, many of whom have lost all male family members, who would be needed to escort them to any visit to a male doctor. In addition, even when a woman was permitted to be treated by a male doctor, the doctor was prohibited from examining her except if she were fully clothed in Taliban-approved garb, as well as from touching her, thus limiting the possibility of meaningful diagnosis and treatment. Participants in a 1998 survey of 160 Afghan women reported little or no access to health care in Kabul. Most of the participants also reported a decline in their mental health. There were credible reports that the restrictions on women's health care were not applied in practice and that there were some improvements in access

to health care for women in 1999 and 2000. By the end of 1999, all Kabul hospitals apart from the military hospital reportedly treated women. Rabia Balkhi Women's Hospital in Kabul provided a full range of health services to women, although there was only one maternity hospital in the country. However, the trend of improved access to health care appeared to slow during the year.

The Taliban decreed what women could wear in public. Women in public spaces were required to wear a burqa, a loose, head-to-toe garment that has a small cloth screen for vision. While in many, particularly rural, areas of the country, the burqa was the customary women's outer garment, the requirement for all women to wear the burqa represented a significant change in practice for many women, particularly in urban areas. According to a decree of the religious police in 1997, women found outside the home who were not covered properly would be punished severely, along with their family elders. In Kabul and elsewhere women found in public who were not wearing the burqa, or whose burqas did not cover their ankles, were beaten by Taliban militiamen. Some women could not afford the cost of a burqa, and thus had to remain at home or risk beatings if they left their houses uncovered.

During 1999 there were reports of differences in the enforcement of the requirement for women to wear the burqa. Enforcement reportedly was relatively lax in rural and non-Pashtun areas, and there were reports that some women in Herat and in rural areas cover their heads with large scarves that leave the face uncovered without reprisal. However, there were credible reports that the Taliban increased enforcement of the dress code during the year. The Taliban's dress code for women apparently was not enforced strictly upon the nomad population of several hundred thousand or upon the few female foreigners, who nonetheless had to cover their hair, arms, and legs. Women in their homes could not be visible from the street; the Taliban required that homes with female occupants have their windows painted over.

Women were expected to leave their homes only while escorted by a male relative, further curtailing the appearance and movement of women in public even when wearing approved clothing. Women appearing in public without a male relative risked beatings by members of the Taliban. Some observers reported observing fewer and fewer women on the streets in Taliban-controlled areas. Under the Taliban, women were not permitted to drive, and taxi drivers reportedly were beaten for taking unescorted women as passengers. On June 21, religious police arrested four female Afghan WFP employees in a taxi outside the WFP office because they were not accompanied by a male relative. The women were detained for 2 days. In October 2000, taxi drivers were warned by the PVSV not to pick up unaccompanied female passengers at risk of having their driving privileges revoked. Women could ride only on buses designated as women's buses; reportedly there were not enough such buses to meet the demand, and the wait for women's buses could be long. In December 1998, the Taliban ordered that bus drivers who took female passengers must encase the bus in curtains and put up a curtain so that the female passengers cannot see or be seen by the driver. Bus drivers also were required to employ boys under the age of 15 to collect fares from female passengers; neither the drivers nor the fare collectors were to mingle with the passengers.

Amnesty International reported that the Taliban ordered the closure of women's public baths.

Women were also forbidden from entering mosques or other places of worship unless the mosque had separate sections for men and women. Most women prayed at home alone or with other family members. Women also reportedly were prohibited from appearing on the streets for certain periods during the month of Ramadan.

The Taliban's restrictions regarding the social behavior of men and women were communicated by edicts and enforced mainly by the PVSV. The U.N. and numerous other sources noted that the edicts were enforced with varying degrees of rigor throughout the country. The restrictions were enforced most strictly in urban areas, where women had enjoyed wider access to educational and employment opportunities before the Taliban gained control. Even with the fall of the Taliban by year's end, Afghanistan's poverty and lack of employment opportunities remained deterrents for women seeking to return to work.

After her 1999 visit, the U.N. Special Rapporteur on Violence Against Women noted some improvements in the status of women, including the existence of home schools as well as limited primary educational institutions for girls run by the Religious Ministry in Kabul, increased access of women to health care, and the permission for widows to work. The Special Rapporteur also noted continuing violations of the physical security of women and the practice of lashings and public beatings, violations of the rights to education, health, employment, freedom of movement, and freedom of association, and of family rights, including the existence of polygyny and forced marriage. She also noted that minority women sometimes were subject to

forced displacement and that there were some cases of trafficking in women and children (see Section 6.f.).

Children.—Local administrative bodies and international assistance organizations undertook to ensure children's welfare to the extent possible; however, the situation of children was very poor. Approximately 45 percent of the population were made up of children age 14 or under. The infant mortality rate was 250 out of 1,000 births; Medecins Sans Frontieres reported in 2000 that 250,000 children per year die of malnutrition. One-quarter of children die before the age of 5. These figures most likely have increased due to another year of drought, intensified fighting, and massive displacement. The Taliban's restrictions on male-female medical treatment, and on the movement of women and girls in areas under its control, hampered the ability of U.N. agencies and NGO's to implement effective health and education programs and had a detrimental effect on children. Physicians for Human Rights reported that children at times were denied medical care when the authorities did not let male doctors visit children's wards, which in some instances are located within the women's ward of a hospital, or did not allow male doctors to treat children accompanied only by their mothers. An UNICEF study reported that the majority of children is highly traumatized and expect to die before reaching adulthood. According to the study, some 90 percent have nightmares and suffer from acute anxiety, while 70 percent have seen acts of violence, including the killing of parents or relatives.

According to a report of the Gender Advisor to the U.N. system in Afghanistan, the educational sector suffered from: Limited human and financial resources; the absence of a national educational policy and curriculum; the inability of authorities to rehabilitate destroyed facilities; and discriminatory policies banning the access of females to all levels of education. Female literacy is approximately 4 percent, compared with 30 percent for males. There were reports that the ban on women working outside the home hampered the education of boys, since a large percentage of the country's teachers were women prior the advent of Taliban rule.

The Taliban's implementation of educational policy was inconsistent and varied from region to region, as well as over time. The Taliban had eliminated most of the formal opportunities for girls' education that existed in areas it had taken over; however, some girls' schools still operated in rural areas and some towns. Some girls received an education in informal home schools, which were tolerated to varying degrees by the Taliban around the country. During 2000 there were reports that the number of children reached by these home schools was increasing as was the attendance of girls in various educational settings, including formal schools; however, during the year the authorities increasingly restricted the activities of home schools.

In September 1999, the U.N. Special Rapporteur on Violence Against Women noted the existence of home schools and also of limited primary educational institutions for girls run by the Religious Ministry in Kabul. The Taliban told the Special Rapporteur in 1999 that primary education was available to girls between the ages of 6 and 10 and that such education was provided in mosque schools under the Ministry of Religious Affairs. Approximately three-fourths of the curricula in the Ministry of Religious Affairs schools reportedly dealt with religious and moral subjects. Taliban-sponsored public schools, at both the elementary and secondary levels, provided education only to boys and also emphasized religious studies. However, schools run by NGO's and international donors mostly were open to both boys and girls.

UNESCO reported in 2000 that as few as 3 percent of Afghan girls were receiving primary education as opposed to up to 39 percent of boys. However, the Taliban's increasingly anti-education policies further reduced educational opportunities, even for males. Credible sources reported that during the year Taliban elements pressured a Turkish NGO, which had long been present in the country, to close its six secondary schools for boys, most of which operated in Turkic speaking areas. The Taliban reportedly also barred Afghan students from traveling abroad, even to Islamic countries, to complete their education, although this restriction reportedly was not always enforced in practice, and a number of children, including many females related to the Taliban leadership, were able to obtain a foreign education. Prior to the Taliban takeover in 1996, more than 100,000 girls reportedly attended public school in Kabul in grades kindergarten through 12, according to a U.N. survey. During 1999 approximately 300,000 to 350,000 school-age children attended schools run or funded by various assistance agencies and NGO's. In 1999 the Swedish Committee for Afghanistan reported that it served 170,000 students in 567 schools; most of these were formal schools, although 39 were home schools. In a few areas, over 50 percent of students reportedly were girls. The SCA reported that 20 percent of the students in its formal schools, which mostly were located in rural areas, were girls. In March the SCA signed a protocol with the Taliban that was to benefit the

SCA's primary schools. Many boys also were being educated in home schools because of administrative problems in the Taliban-run schools, including problems in the payment of teachers' salaries. In 1999 in areas that had been newly captured by the Taliban, some communities successfully petitioned Taliban representatives to reopen the schools. In Herat, which was captured by the Taliban in 1995, girls' schools remained closed, except in the refugee camps maintained by international NGO's. Nonetheless, approximately 5 percent of girls were enrolled in school in Kandahar and approximately 20 percent of girls were enrolled in Herat.

Reports that a relatively high proportion of the students in territory controlled by the Northern Alliance were girls were unconfirmed.

There were credible reports that both the Taliban and the Northern Alliance used child soldiers. Northern Alliance officials publicly have stated that their soldiers must be at least 18 years of age, but press sources reported that preteen soldiers were used in Northern Alliance forces. There also were reports that the Taliban conscripted boys, and looted and burned the homes of persons whose children avoided forced conscription.

In the past, there have been some cases of trafficking in children (see Section 6.f.).

The Taliban had banned certain recreational activities, such as flying kites and playing chess. In October 2000, the Taliban banned youths from playing soccer in Kabul on Fridays. Dolls and stuffed animals were prohibited by the Taliban as a result of its interpretation of religious injunctions against representations of living beings. The AIA authorities had lifted these restrictions by year's end.

Persons with Disabilities.—No measures had been taken to protect the rights of persons with mental and physical disabilities, or to mandate accessibility for them. Victims of landmines continued to be a major focus of international humanitarian relief organizations, which devoted resources to providing prostheses, medical treatment, and rehabilitation therapy to amputees. There reportedly has been increased public acceptance of persons with disabilities because of their increasing prevalence due to landmines or other war-related injuries. There are reports that women, who needed prostheses or other aids to walk, virtually were homebound because they were unable to wear the burqa over the prosthesis or other aid. An estimated 3 to 4 percent of the population suffered from disabilities requiring at least some form of assistance. Although community-based health and rehabilitation committees provided services to approximately 100,000 persons, their activities were restricted to 60 out of 330 districts, and they were able to assist only a small number of those in need.

Racial/Racial/Ethnic Minorities.—The Taliban was Pashtun-dominated and showed little tolerance for accommodation with ethnic minorities. There were reliable reports that the Taliban summarily executed approximately 300 Hazara men and boys after recapturing Yakawlang in early January (see Section 1.a.). There also were reports of harassment, extortion, and forced expulsion from their homes of ethnic Hazaras and Tajiks by Taliban soldiers. It is estimated that the Taliban may have killed thousands of members of the ethnic Hazara minority in 1998 (see Section 1.a.).

In the past, there were reliable reports that individuals were detained by both the Taliban and Northern Alliance because of their ethnic origins and suspected sympathy with opponents. Ethnic Hazara, who are overwhelmingly Shi'a, reportedly were targeted in ethnically motivated attacks, in particular by the overwhelmingly Sunni and ethnic Pashtun Taliban forces (see Section 2.c.).

Section 6. Worker Rights

a. The Right of Association.—Little is known about labor laws and practices. Labor rights were not defined, and in the context of the breakdown of governmental authority there was no effective central authority to enforce them. Many of Kabul's industrial workers were unemployed due to the destruction or abandonment of the city's minuscule manufacturing base. An insignificant fraction of the work force has ever labored in an industrial setting. The only large employers in Kabul were the governmental structure of minimally functioning ministries and local and international NGO's.

Workers in government ministries reportedly have been fired because they received part of their education abroad or because of contacts with the previous regimes, although certain officials in previous administrations were employed under the Taliban. Others reportedly have been fired for violating Taliban regulations concerning beard length.

There were no reports of labor rallies or strikes.

b. The Right to Organize and Bargain Collectively.—The country lacks a tradition of genuine labor-management bargaining. There were no known labor courts or

other mechanisms for resolving labor disputes. Wages were determined by market forces, or, in the case of government workers, dictate.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Little information was available regarding forced or compulsory labor, including forced and bonded labor by children. There have been reports that the Taliban forced prisoners to perform construction work at Kandahar prison and that the Taliban used forced labor after its takeover of the Shomali plains area in the summer of 1999. There were credible reports that Masood forced Taliban prisoners to work on road and airstrip construction projects under life-threatening conditions (such as requiring them to dig in mined areas).

There reportedly have been cases of trafficking in women and children (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—There was no evidence that authorities in any part of the country enforced labor laws, if such laws indeed existed, relating to the employment of children. Children from the age of 6 often worked to help support their families by herding animals in rural areas and by collecting paper and firewood, shining shoes, begging, or collecting scrap metal among street debris in the cities. Some of these practices exposed children to the danger of landmines.

It is not known whether the law prohibited forced and bonded labor by children, or whether such practices occurred (see Section 6.c.).

e. Acceptable Conditions of Work.—There was no available information regarding a statutory minimum wage or maximum workweek, or the enforcement of safe labor practices. Many workers apparently were allotted time off regularly for prayers and observance of religious holidays. Most persons worked in the informal sector.

f. Trafficking in Persons.—There was no available information regarding legislation prohibiting trafficking in persons. The U.N. Special Rapporteur on Violence against Women reported in 1999 that there had been some cases of trafficking in women and children (see Section 5). There were reports that some Taliban soldiers (often reported to be foreigners) abducted girls and women from villages in the Shomali plains during fighting in August 1999. Women were taken in trucks from the area of fighting in the Shomali plains and elsewhere and reportedly trafficked to Pakistan and to the Arab Gulf states. There were unconfirmed reports that some Taliban soldiers abducted girls and women from villages in the Taloqan area during fighting from June through October 2000 (see Sections 1.b. and 5.).

BANGLADESH

Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister. Sheikh Hasina, leader of the Awami League, was Prime Minister until Parliament's term of office expired in mid-July. A caretaker Government was installed in accordance with constitutional procedures and oversaw the national elections. Prime Minister Khaleda Zia, the leader of the Bangladesh Nationalist Party (BNP), came to power in elections on October 1 deemed to be free and fair by international observers. Political competition is vigorous. Violence is a pervasive feature of politics, including political campaigns, and the October elections took place in a climate of sporadic violence and isolated irregularities. All of the major parties have frequently boycotted Parliament while in the opposition, claiming that they had little opportunity to engage in real debate on legislation and national issues. The higher levels of the judiciary display a significant degree of independence and often rule against the Government; however, lower judicial officers fall under the executive, and are reluctant to challenge government decisions. The Official Secrets Act of 1923 can protect corrupt government officials from public scrutiny, hindering the transparency and accountability of the Government at all levels.

The Home Affairs Ministry controls the police and paramilitary forces, which have primary responsibility for internal security. Primarily due to the police's accountability to the executive, police often are reluctant to pursue investigations against persons affiliated with the ruling party. The Government frequently uses the police for political purposes. There is widespread police corruption and lack of discipline. Police officers committed numerous serious human rights abuses and were seldom disciplined, even for the most egregious actions.

Bangladesh is a very poor country, occasionally beset by natural disasters that further hamper development. Annual per capita income among the population of approximately 129.2 million is approximately \$380; the economic growth rate during the last fiscal year was approximately 6 percent. Slightly more than half of all children are chronically malnourished. Approximately 65 percent of the work force is

involved in agriculture, which accounts for one-fourth of the gross domestic product. The economy is market-based, but the Government owns all utilities, most transport companies, and many large manufacturing and distribution firms. A small, wealthy elite controls much of the private economy, but there is an emerging middle class. Foreign investment has increased significantly in the gas sector and in electrical power generation facilities. Both earnings from exports and remittances from workers overseas have increased, but foreign aid remains an important source of national income. Efforts to improve governance and economic growth through reform have been unsuccessful, and were blocked by bureaucratic intransigence, vested economic interests, endemic corruption, and political polarization. The Government's commitment to economic reform is weak.

The Government's human rights record remained poor in many significant areas, and it continued to commit serious abuses, although it respected citizens' rights in some areas. Police committed a number of extrajudicial killings, and some persons died in police custody under suspicious circumstances. Police routinely used torture, beatings, and other forms of abuse while interrogating suspects. Police frequently beat demonstrators. The Government rarely punishes persons responsible for torture or unlawful deaths. Prison conditions are extremely poor for the majority of the prison population. Rape of female detainees in prison or other official custody has been a problem; however, there were no reports of such occurrences during the year. The Government continued to arrest and detain persons arbitrarily, and to use the Special Powers Act (SPA) and Section 54 of the Code of Criminal Procedure, which allow for arbitrary arrest and preventive detention. The Public Safety Act (PSA), enacted in early 2000, gives the police even greater opportunity to abuse their powers. A court case challenging the constitutionality of the PSA remained pending at year's end. The lower judiciary is subject to executive influence and suffers from corruption. A large judicial case backlog existed and lengthy pretrial detention was a problem. Police searched homes without warrants, and the Government forcibly relocated illegal squatter settlements. Virtually all journalists practiced some self-censorship. Attacks on journalists and efforts to intimidate them by government officials, political party activists, and others increased. The Awami League as well as the BNP government limited freedom of assembly, particularly for political opponents, and both the Awami League and the BNP governments on occasion limited freedom of movement. The Government generally permitted a wide variety of human rights groups to conduct their activities, but it continued to refuse to register a local chapter of Amnesty International. Abuse of children and child prostitution are problems. Violence and discrimination against women remained serious problems. Societal discrimination against the disabled, indigenous people, and religious minorities was a problem. In the past, violence against members of the Ahmadiya religious minority was a problem. The Government continued to limit worker rights, especially in the Export Processing Zones (EPZ's), and, in general, is ineffective in enforcing workers' rights. Some domestic servants, including many children, work in conditions that resemble servitude and many suffer abuse. Child labor and abuse of child workers remained widespread and serious problems. Trafficking in women and children for the purpose of prostitution and at times for forced labor remained serious problems. Both major political parties and their activists often employed violence, causing deaths and numerous injuries; however, the number of deaths declined, likely due to fewer general strikes during the year. Vigilante justice resulted in numerous killings, according to press reports.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—Police committed a number of extrajudicial killings. According to one human rights organization, 44 persons died as a result of the use of lethal force by the police during the year.

The police sometimes used unwarranted lethal force. According to one human rights organization, on March 28, police in Jessore stormed the home of Mozahar, a welding mechanic, dragged him outside, beat him with rifle butts and sticks, and took him to the police station. The following morning, Mozahar's wife and daughter saw him at the police station; he was unconscious and appeared to have been beaten. Later that day, Mohazar was sent to a local hospital where he died on March 30. No action has been taken against the police officers involved. On May 16, police in Tongi arrested a 15-year-old boy under suspicion that he was "looking for someone to mug." The police tied him with ropes and beat him with sticks. Approximately 20 hours later, police sent the boy to the hospital, where he died. On the night of July 8, police in Tarakandi, Sherpur District, detained a group of gamblers. Early the following morning, the body of Julhash Uddin Khacha Miah was found

on a road near a pond in Tarakandi, where he frequently went to gamble. Julhash's body showed signs of a severe beating. Persons who lived nearby reported hearing screams and groans during the night. Other gamblers, five of whom were arrested that night, reported that Julhash had been with them but left a few minutes before they were arrested. They stated that, as they were being taken to the police station, they saw Julhash lying on the road with several policemen pouring water on his head and trying to massage his body with oil, presumably in an effort to prevent his death after severely beating him. Julhash's son filed a complaint, which police recorded as an "unnatural death" case. No policemen were charged in connection with the incident.

According to one human rights organization, 72 persons died in prison and police custody during the year (see Section 1.c.).

Most police abuses go unpunished, and the resulting climate of impunity remains a serious obstacle to ending police abuse and extrajudicial killings. However, in some instances where there was evidence of police culpability for killings, the authorities took action. On May 28, the High Court confirmed the death sentence of three policemen convicted of the rape and killing of a 14-year-old girl in 1995. In March 1999, four police officers were charged with manslaughter after a body was found in the rooftop water tank of the Detective Branch in Dhaka. The case is ongoing (see Section 1.e.). The case against a police sergeant for killing a rickshaw puller in July 1999 in Agargaon was settled out of court when the accused policeman reached a settlement with the victim's family. Court proceedings continued against 14 persons, including 13 police officers, arrested and charged after a college student in police custody was beaten to death in July 1998. At year's end, nine of the accused persons were in custody, and proceedings in the case were continuing (see Section 1.c.).

Violence, often resulting in deaths, is a pervasive element in the country's politics (see Sections 1.c. and 3). Supporters of different political parties, and often supporters of different factions within one party, frequently clash with each other and with police during rallies and demonstrations. According to human rights organizations, more than 656 persons were killed and nearly 25,770 others were injured in politically motivated violence during the year. Both Awami League and BNP supporters, often with the connivance and support of the police, violently disrupted each others' rallies and demonstrations as well as those of other parties (see Sections 2.b. and 3). Opposition parties also used armed violence and intimidation to enforce general strikes ("hartals"). During the year, 24 persons died in violence related to general strikes.

On July 15, 5 Awami League leaders were killed and more than 400 persons were injured in clashes between activists of both the Awami League and the four-party opposition alliance. Several persons were injured by bombs that were thrown at an Awami League procession (see Section 2.b.).

During an opposition-called hartal in 1999, eyewitnesses saw Maqbul Hossain, an Awami League Member of Parliament (M.P.) for the Dhanmondi area of Dhaka, order the killing of two young BNP activists who had been seized by Hossain's armed followers. Members of Hossain's entourage then shot at point-blank range one of the men, BNP activist Sajal Chowdhury, who subsequently died; the other person was beaten. Approximately a dozen police officers who were standing nearby in riot gear made no effort to intervene or to apprehend the gunmen, nor did the Government later take action against those persons responsible. However, police summoned for repeated interrogations the family of Chowdhury, who had filed a murder complaint against M.P. Hossain and the armed men. One Chowdhury family member was arrested on criminal charges, then detained under the SPA after a judge granted him bail (see Section 1.d.). In December 1999, police submitted their final report on the case to the court, stating that the evidence did not support the murder charge. Subsequently, the court accepted the police report and dismissed the case against Hossain. Hossain then served legal notice on the victim's family, demanding that they explain why they should not be charged with criminal defamation, although Hossain did not subsequently pursue the defamation case. In December the new BNP Government detained Hossain under the SPA and revived the murder case.

On February 3, after the High Court ruled illegal all "fatwas" (expert opinions on Islamic law; see Section 2.c.), some NGO's organized a rally in Dhaka to applaud the ruling, hailing it as a victory for women and all who have suffered from fatwas. These NGO's bused women into the city from rural areas for the rally. Some Islamic groups, claiming that outlawing all fatwas was an attack on Islam, blocked the main roads into the city and tried to disrupt the rally. In the ensuing violence, a policeman was killed inside a mosque. The police arrested leaders of the Islami Oikkyo Jote (IOJ), a member of the four-party opposition alliance, some in connection with

the killing. On February 6 in Brahmanbaria, some Muslim leaders called a hartal to demand the cancellation of the High Court verdict and the release of the arrested IOJ leaders. Several thousand persons marched in the streets. When demonstrators started throwing bricks at police and paramilitary forces, they opened fire, killing 6 persons and injuring 25 others. In the fighting, 15 policemen also were injured. According to police, a mob then attacked the police station and other officers. During the unrest, the police shot and killed three more persons. On February 13, the four-party opposition alliance called a hartal to demand the resignation of the Government. Dhaka Awami League M.P. Iqbal led a procession to protest the hartal. Gunmen from Iqbal's procession fired on a pro-hartal procession led by BNP leader Mirza Abbas, killing three demonstrators. An off-duty policeman also was shot and killed. The next day, front-page photos appeared in most major newspapers showing Iqbal surrounded by several young men pointing guns, as well as a number of policemen standing by.

Political killings continued during non-hartal periods as well, particularly in the period prior to the national elections. On August 10, in Pabna District, members of an outlawed Maoist party hacked two Awami League supporters to death. On August 12, 8 persons were killed and 30 others were injured in clashes between Awami League and BNP supporters in Feni.

Violence also is endemic between the student political wings of the major national parties, and between rival factions within the parties. During the first several months of the year, campus violence led to unscheduled closures of educational institutions in various locations, including Dhaka, Khulna, and Barisal. Violence caused disruption to academic activities at Rajshahi University, Shah Jalal University of Science and Technology in Sylhet, and Jahangirnagar University. A clash between factions of the Awami League student wing, the Bangladesh Chhatra League (BCL) at Kabi Nazrul College in Dhaka left five persons injured. Authorities shut down Chittagong University after a gun battle between activists of BCL and the Islami Chhatra Shibir (ICS), the student wing of the Jamaat-e-Islami (a member of the four-party alliance), left 20 persons injured on August 13. On August 11, the ICS began enforcing an indefinite strike on campus to pressure university authorities to return dormitories to students ousted by BCL activists during Awami League rule and to sweep the campus for illegal weapons. The BNP's student wing, Jatiyatabadi Chhatra Dal (JCD), made similar demands at several universities around the country. At Dhaka University, the JCD enforced a strike to demand the collection of weapons; however, police announced the schedule for the weapons sweep 1 day in advance, and the times of the sweeps appeared in all of the major newspapers on the morning of the sweep. When the authorities arrived at the dormitories for the sweep, the student activists had left. The police found only one broken revolver.

In July 2000, gunmen fired at a van in Chittagong, killing eight persons, including six members of the BCL. The Government accused the ICS of being responsible for the attack. Then-Prime Minister Sheikh Hasina challenged her supporters and the police to retaliate for the killing of her student supporters, declaring that there should be 10 opposition bodies for each one from the ruling party. An anti-Jamaat campaign following the July 2000 killings resulted in the deaths of at least two Jamaat activists, the injury of many others, and the arrests of hundreds more (see Section 1.d.). The Jamaat-e-Islami asserts that the attack on the van was a continuation of a shoot-out the previous day between rival factions of the BCL that left three BCL activists dead. Police have charged 22 persons in connection with the BCL killings, 3 of whom are in custody. At year's end, the trial was pending.

On June 16, an explosion during a meeting at an Awami League office in Narayanganj killed 20 persons and injured more than 100 others. Police cordoned off the area soon after the explosion, but a military investigative team did not arrive until 6 hours later. The Awami League Government accused 27 persons in connection with the bombing, all from the BNP and the Freedom Party. Of those, six persons are in custody (four of whom were charged and two of whom are being held on suspicion of involvement). All of the accused persons who were detained in this case by year's end had been released on bail.

On January 20, a bomb killed four persons during a rally held by the Communist Party of Bangladesh. The case is still under investigation.

In August 2000, S.M.A. Rab, a prominent Awami League leader in Khulna, was killed. A Maoist group claimed responsibility. On June 13, police charged 15 persons with the murder, 9 of whom were in custody. The court issued warrants for the arrest of the other six, as well as orders to seize their property. On June 17, Rab's son petitioned the Chief Metropolitan Magistrate (CMM) to reject the charge sheet, terming it "baseless and concocted," and requested that the case be reinvestigated. The CMM rejected the petition. Rab's son blames the killing on his father's rivals

inside the Awami League who were upset by party leader Sheikh Hasina's announcement that Rab would be the party's nominee for the Khulna mayoral post.

In July 2000, Shamsur Rahman, a well-respected journalist, was killed in Jessore after writing a series of articles about alleged criminal activities and connections between political activists, smugglers, and domestic terrorists. A prominent BNP leader, 5 journalists, and 11 others, have been charged with his murder. Of the 17, 8 are in custody. Numerous other journalists were killed or attacked throughout the year (see Section 2.a.).

Former Awami League M.P. Mohammed Mohibur Rahman Manik remains free on bail while a case against him for involvement in bomb making remains ongoing; in March 1999 two persons died while making bombs at his residence.

A case remains pending against 24 individuals, including former minister and BNP leader Tariqul Islam, in connection with the March 1999 bombing of a performance of the left-affiliated cultural group Udichi Shilpi Gosthi. Ten persons were killed in the attack.

In April the High Court upheld the 1998 convictions of 12 of the 15 persons convicted and sentenced to death for the 1975 murder of then-President Sheikh Mujibur Rahman (father of Awami League leader and former Prime Minister Sheikh Hasina) and 21 of his family members. Three persons were acquitted. Of the 12 persons convicted, 4 are in custody and have requested permission to appeal the decision. If their sentences are upheld, they may be hanged. The 11 others, living outside of the country, were convicted in absentia.

In 1995 the Government charged former President Hossain Mohammad Ershad with ordering the 1981 murder of the alleged assassin of President Ziaur Rahman. Ershad, leader of the Jatiya party, was granted bail in 1997. This case remains pending while other cases against Ershad are ongoing (see Section 1.e.).

The Awami League Government continued to imprison eight persons accused of perpetrating the November 1975 murders of four senior Awami League leaders who then were in jail. The trial began on April 12. Thirteen others living outside of the country are being tried in absentia (see Sections 1.d. and 1.e.). Four of the eight persons detained were released by the new government on bail in December.

Extortion from businesses and individuals by persons with political backing was common, and businessmen on several occasions went on strikes to protest the extortion. In May 2000, several young men shot and killed Iftekhhar Ahmed Shipu, owner of a cellular telephone shop in Dhaka, after Shipu refused to give them a free telephone. A parliamentarian's son and several others were charged with the killing in a case filed by Shipu's relatives.

In December 2000, police opened fire on strikers at the port of Mongla and killed four persons.

Press reports of vigilante killings by mobs are common. Newspapers on numerous occasions reported that mobs had beaten alleged muggers, sometimes to death. Press editorials and commentaries opined that the increasing mob violence reflected a breakdown of law and order and a popular perception that the criminal justice system did not function. Human rights groups and press reports indicate that vigilante violence against women who are accused of having committed moral offenses is common, particularly in rural areas, and that religious leaders sometimes lead it (see Sections 1.c. and 2.c.).

Violence along the border with India remained a problem. According to press accounts and human rights groups, border violence has claimed more than 200 lives during the last 5 years. Domestic human rights NGO's report that Indian border forces killed as many as 108 citizens during the year. Bangladeshi border security forces may have killed more than a dozen Indian personnel.

b. Disappearance.—In September 2000, Nurul Islam, the BNP Organizing Secretary for Laxmipur district, was abducted from his home.

Soon after, Abu Taher, General Secretary of the Awami League Laxmipur District chapter, 2 of his 3 sons, and 12 other persons were accused in connection with the disappearance of Nurul Islam. In September 2000, police arrested two of the accused along with five other suspects. However, for more than 10 months, the primary accused persons in the case, Abu Taher and his two sons, were not arrested. On August 5, 3 weeks after the non-party caretaker Government came to power, police arrested Abu Taher's two sons, one of the two accused in the case, and another Taher son under suspicion. They originally were arrested for illegal possession of weapons, but later were indicted in connection with the disappearance of Nurul Islam. On August 13, Abu Taher and five others appeared before the High Court and requested anticipatory bail for themselves and one of Taher's sons. The High Court granted bail for 3 months, but cancelled it the following day, ordering Taher and the five other persons to appear before a lower court within 2 weeks. On August 28, Taher and one of the other accused persons surrendered to the court and were

jailed. Approximately 40 persons, mostly Awami League student activists, staged violent demonstrations, ransacking shops and damaging vehicles. Police, using batons, charged the demonstrators, injuring 15 and arresting 12 persons. Police first filed a case under the non-bailable Public Safety Act, but later released three without charge, and filed a criminal case against the other nine student activists, who were released on bail.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and cruel, inhuman, or degrading punishment; however, police routinely employ physical and psychological torture and other abuse during arrests and interrogations. Torture may consist of threats, beatings and, occasionally, the use of electric shock. The Government rarely convicts or punishes those responsible for torture, and a climate of impunity allows such police abuses to continue.

In 1998 the deputy commissioner of the Dhaka police detective branch publicly defended the use of physical coercion against suspects, saying that the practice was necessary in order to obtain information.

On February 4, approximately 200 members of the IOJ staged a peaceful procession to demand the release of IOJ leaders. The police attacked the procession with batons and rifle butts and arrested 47 demonstrators.

On February 25, Tangail district police indiscriminately beat journalists in front of the Tangail Press Club, injuring nine journalists including two members of the Tangail Press Club Executive Committee. On February 26, Rajbari district police arrested Liton Chakravarty, district correspondent of the Bangla-language newspaper *Bhorer Kagoj*. He alleged that he was tortured in police custody after the arrest (see Section 2.a.).

On March 28, police in Jessore stormed the home of Mozahar, a welding mechanic, dragged him outside, beat him with rifle butts and sticks, and took him to the police station. After being sent to the hospital, Mozahar died on March 30 (see Section 1.a.).

On May 16, police in Tongi arrested a 15-year-old boy, tied him with ropes, and beat him with sticks. The police sent the boy to the hospital where he died (see Section 1.a.).

On May 29, police in Khilgaon arrested and beat a woman suspected in a murder case who earlier had been released on bail and was awaiting trial. One police officer held her head between his thighs while others, wearing heavy police boots, kicked her repeatedly and beat her with large batons in her lower abdomen and buttocks. She lost control of her bladder and was unable to urinate again until more than 20 hours after the beating. After six hours of detention, she was unable to walk. No case was filed against the police involved by year's end.

On June 7, police arrested Maulana Akbar, a "madrassa" (Islamic school) teacher, under suspicion that he was involved in a bombing incident which killed 10 persons on April 14 during a Bengali New Year festival. Detectives later issued a press release stating that Maulana Akbar had confessed his involvement in the bombing. On June 28, Akbar retracted his confession in a written statement to the court claiming that police had tortured him in an effort to extract the confession. Akbar stated that the detective branch repeatedly subjected him to electric shock, poured hot water mixed with powdered chilies (cayenne pepper) into his nose, and threatened to kill him if he did not confess. According to newspaper reports, Akbar also showed his injuries to the court. Eleven others also were arrested in connection with the bombing, including three other madrasa teachers.

On July 8, police in Tarakandi, Sherpur District, detained a group of gamblers. The following morning, the body of Julhash Uddin Khacha Miah was found on a road near a pond in Tarakandi; the body showed signs of a severe beating. The other gamblers stated that as they were being taken to the police station, they saw Julhash lying on the road with several policemen pouring water on his head and trying to massage his body with oil, presumably in an effort to prevent his death after severely beating him. No policemen were charged in connection with the incident (See Section 1.a.).

On August 28, approximately 40 persons, mostly Awami League student activists, staged a violent protest as a result of the jailing of Abu Taher, General Secretary of the Awami League Laxmipur District Chapter, and one other person in connection with the disappearance of Nurul Islam. Police, using batons, charged the demonstrators, injuring 15 and arresting 12 persons. The arrested persons were eventually released, three without charge and nine on bail (see Section 1.b.).

On September 7, 70 sex workers tried to enter a vacant Tanbazar brothel after being forcibly removed. Police resisted the sex workers as they tried to force their way in. Some women were injured, three of whom were hospitalized (see Section 1.f.).

Rape of female detainees in police or other official custody has been a problem. While there were no reports of such rapes during the year, it is unclear whether the situation has improved after public condemnation, or whether rapes continue and simply are not being reported.

According to human rights groups and media reports, police engaged in violence and looting during the July 1999 raid of the Tanbazar and Nimtali brothel districts, allegedly attacking residents as well as more than 40 female human rights activists who were protesting the eviction (see Section 1.f.). The evicted sex workers were detained in vagrant centers, where guards and fellow inmates subjected them to sexual assault and harassment. According to two human rights organization, fewer than a dozen prostitutes remained in the vagrant homes at year's end.

Police sometimes rape women who are not in custody. During the first 6 months of the year, one human rights organization documented 8 cases of police raping women who were not in custody. In addition after women report that they have been raped (or are involved in family disputes), they frequently are detained in "safe custody" where they endure poor conditions, and sometimes are abused or, as has been reported in prior years, are raped (see Sections 1.d. and 5). Although the law prohibits women in safe custody from being housed with criminals, in practice, no separate facilities exist; therefore, women in safe custody are kept with women convicted of crimes. Men and women are detained separately.

The police often employ excessive, sometimes lethal, force in dealing with opposition demonstrators (see Sections 1.a. and 2.b.). On February 4, police employing clubs and rifle butts charged a procession of IOJ activists in Dhaka. On February 6, police and paramilitary forces shot and killed six persons when they fired into a pro-Islamic group of demonstrators in Brahimbardia. On April 11, two bombs exploded in an alley near a BNP rally in Dhaka. Instead of investigating the bombing site, police fired tear gas and rubber bullets at the crowd and beat numerous rally participants and passers-by, using batons and rifle-butts. Police then broke into several business establishments and a nearby health clinic, kicking, beating, and arresting doctors, nurses, and office workers indiscriminately. On December 2, police used tear gas to disperse an Awami League procession in Dhaka.

On May 3, 2000 police officers injured numerous persons in the Savar export processing zone (EPZ), as police stormed a garment factory that disgruntled workers had taken over. Four persons died and more than 20 persons were injured in the incident (see Sections 1.a. and 6.b.).

Although there were no confirmed reports of such incidents during the year, in previous years Rohingya refugees living in camps suffered abuses, including beatings and other forms of physical abuse, and have been coerced by camp administrators trying to secure their return to Burma (see Section 2.d.).

Police corruption remains a problem and there were credible reports that police facilitated or were involved in trafficking in women and children (see Section 6.f.).

Both opposition and ruling parties routinely use actual or threatened violence to achieve political ends. Violence is a common feature during rallies, demonstrations, and general strikes (see Sections 1.a. and 2.b.). In an incident witnessed by a member of the foreign diplomatic community, on February 13, 2000, a joint procession of the four-party opposition alliance came under attack in Dhaka from unknown assailants. In retaliation some individuals from the procession damaged dozens of vehicles parked on the street. On August 7, 2000, members of an Awami League student wing procession fired upon a BNP torch procession in Narayanganj. The BNP demonstrators threw their torches at the Awami League student activists and stoned the police. As the police chased the BNP demonstrators, the Awami League activists ransacked the local BNP office. On August 16, 2000, 2 ruling party factions fought a gun battle in Sylhet Division, injuring some 50 persons. Also in August 2000, a mourning procession for two slain attorneys was fired upon by unidentified assailants, injuring four persons, including two policemen (see Section 1.a.).

In rural areas, human rights groups and press reports indicate that vigilantism against women for perceived moral transgressions occurs, often under a fatwa; (see Sections 2.b. and 2.c.), and may include humiliating, painful punishments such as whipping. One human rights organization recorded 32 cases of fatwas during the year. In these cases, 3 persons were lashed, and 13 persons were shunned by their communities. In January the High Court intervened when newspapers reported a case in which a man refused to remarry his wife after she was forced to undergo a sham marriage at the insistence of a local village religious leader under a fatwa (less educated religious leaders sometimes believe that when a man ritualistically divorces his wife in anger, per Islamic rules, that he cannot take her back or remarry her unless she has a intervening marriage; however, ritualistic divorces that occur in anger are not valid under Islamic or civil law). In reaction to this case, as well as to previous abuses of fatwas, the High Court declared all fatwas illegal. The

Supreme Court later stayed the High Court's decision. On February 6, in Dhaka, 15 persons were injured and 6 were killed when police opened fire on violent demonstrators protesting the ban on fatwas (see Section 1.a.).

Rejected suitors, angry husbands, or those seeking revenge sometimes throw acid in a woman's face (see Section 5).

Prison conditions are extremely poor for most prisoners. One human rights organization reported that 72 persons died in prison or police custody during the year. According to credible sources, poor conditions were at least a contributing factor in many of these deaths. Most prisons are overcrowded and lack adequate facilities. Government figures indicate that the existing prison population of roughly 66,550 is 278 percent of the official prison capacity. Of those, approximately 25 percent of those detained had been convicted and 71 percent were awaiting trial or under trial. In some cases, cells are so crowded that prisoners sleep in shifts. The Dhaka Central Jail reportedly houses more than 9,775 prisoners in a facility designed for fewer than 3,000 persons. A 1998 judicial report noted that the physical condition of jails is poor, and food is unhygienically prepared. Drugs are abused widely inside the prisons. The treatment of prisoners in the jails is not equal. There are three classes of cells: A, B, and C. Common criminals and low-level political workers generally are held in C cells, which often have dirt floors, no furnishings, and poor quality food. The use of restraining devices on prisoners in these cells is common. Conditions in A and B cells are markedly better; A cells are reserved for prominent prisoners. A new prison facility in Kashimpur, north of Dhaka, opened in September.

By law, juveniles are required to be detained separately from adults; however, due to a lack of facilities in many areas, in practice many are housed with adult prisoners. In July, according to Government statistics, 310 children were housed in jails along with their mothers, and 471 children under the age of 16 were in jail in connection with crimes they were accused of committing.

In general the Government does not permit prison visits by independent human rights monitors (see Section 4). Government-appointed committees of prominent private citizens in each prison locality monitor prisons monthly, but do not release their findings. District judges occasionally also visit prisons, but rarely disclose their findings.

d. Arbitrary Arrest, Detention, or Exile.—The Government continued to arrest and to detain persons arbitrarily, as well as to use national security legislation (the Special Powers Act (SPA) and Public Safety Act (PSA)) to detain citizens without formal charges or specific complaints being filed against them. The Constitution states that each person arrested shall be informed of the grounds for detention, provided access to a lawyer of his choice, brought before a magistrate within 24 hours, and freed unless the magistrate authorizes continued detention. However, the Constitution specifically allows preventive detention, with specified safeguards, outside these requirements. In practice authorities frequently violate these constitutional provisions, even in nonpreventive detention cases. In an April 1999 ruling, a two-judge High Court panel criticized the police force for rampant abuse of detention laws and powers. There is a system of bail for criminal offenses.

Under Section 54 of the Code of Criminal Procedure, individuals may be detained for suspicion of criminal activity without an order from a magistrate or a warrant. Some persons initially detained under Section 54 subsequently are charged with a crime, while others are released without any charge. According to one human rights organization, a total of 755 persons had been newly detained under the SPA between January and June. Another human rights organization, quoting prison authorities, cites the number of SPA detainees at 655 as of July 1. In the past, the Government sometimes used Section 54 to harass and intimidate members of the political opposition and their families. Police sometimes detain opposition activists prior to and during general strikes without citing any legal authority, holding them until the event is over. Newspapers report instances of police detaining persons to extract money or for personal vengeance.

Under the SPA the Government or a district magistrate may order a person detained for 30 days to prevent the commission of an act likely "to prejudice the security of the country." Other offenses subject to the SPA include smuggling, black market activity, or hoarding. The Government (or magistrate) must inform the detainee of the grounds for detention within 15 days, and the Government must approve the grounds for detention within 30 days or release the detainee. In practice detainees sometimes are held for longer periods without the Government stating the grounds for the detention or formally approving it. Detainees may appeal their detention, and the Government may grant early release.

An advisory board composed of two persons who have been, or are qualified to be, high court judges and one civil servant are supposed to examine the cases of SPA detainees after 4 months. If the Government adequately defends its detention

order, the detainee remains imprisoned; if not, the detainee is released. If the defendant in an SPA case is able to present his case before the High Court in Dhaka, the High Court generally rules in favor of the defendant. However, many defendants either are too poor or, because of strict detention, are unable to obtain legal counsel and thereby move the case beyond the magistrate level. Magistrates are subject to the administrative controls of the Establishment Ministry and are less likely to dismiss a case (see Section 1.e.). Detainees are allowed to consult with lawyers, although usually not until a charge is filed. They are not entitled to be represented by a lawyer before an advisory board. Detainees may receive visitors. While in the past the Government has held incommunicado some prominent prisoners, there were no known cases of incommunicado detention during the year.

According to a September 2000 study carried out by a parliamentary subcommittee, 98.8% of the 69,010 SPA detainees over a period of 26 years were released on orders from the High Court. The study asserted that SPA cases generally are so weak and vague that the court had no alternative but to grant bail.

On May 27, police arrested 15 boys aged 10 to 12 under Section 54, on suspicion that they were planning "destructive and antisocial activities." The boys, all schoolmates at a nearby madrasa, were in possession of some clothing and shoes, two waterpots, two intercom sets, a radio set, some books on "jihad" (holy war), and a diary with sketches of weapons. The District Magistrate sentenced the boys to a 1 month detention under the SPA, then extended their sentence by 3 more months. The children remained in jail at year's end.

In response to a deteriorating law and order situation, Parliament passed the restrictive new PSA in January 2000. The law established special tribunals to hear cases under the act, and made particular offenses non-bailable. Opposition leaders expressed fears that the law would be used to arrest political opponents of the ruling party, as the law, like the SPA, allows police to circumvent normal procedures designed to prevent arbitrary arrest, and precludes detainees from being released on bail, which often is the result of arrests based on little or no concrete evidence (see Section 2.b.).

Morshed Khan, a wealthy BNP leader who in 2000 was accused under the PSA of stealing money from a sweet shop, challenged the constitutionality of the PSA. In July the High Court issued a split verdict: One judge ruled the Public Safety Act unconstitutional; a second judge ruled that only parts of the Act were unconstitutional. The case will go before a third High Court judge who will resolve the differences between the two rulings; his ruling was pending at year's end. (Morshed subsequently became Foreign Minister in the BNP Government.)

On November 22, Shariar Kabir was detained by the Special Branch of police at the immigration desk of Zia International Airport. Upon his return from Calcutta, Kabir was held without charge for 2 days before the Government announced that he had been arrested on the charge on carrying out seditious acts abroad. Kabir's supporters have been referring to his arrest as a conspiracy to repress the Hindu minority.

There is a system of bail for criminal offenses. Bail is granted commonly for both violent and nonviolent crimes. However, some provisions of the law preclude the granting of bail. The Women and Children Repression Prevention Act, passed in January 2000, replaced an earlier law of the same name. The act provides special procedures for persons accused of violence against women and children. The new law calls for harsher penalties, provides compensation to victims, and requires action against investigating officers for negligence or willful failure in duty. Persons arrested under this act cannot be granted bail during an initial investigation period of up to 90 days. Some human rights groups express concern that a large number of allegations made under the act are false, since the nonbailable period of detention is an effective tool for exacting personal vengeance. Typically, fewer than 3 percent of detainees under this Act are convicted. If bail is not granted, the law does not specify a time limit on pretrial detention.

Prisons often are used to provide "safe custody" for women who are victims of rapes or domestic violence (see Sections 1.c. and 5). As of July 1, 258 women and 97 children were in safe custody throughout the country. Of the 14 women and 4 children who remained in safe custody as of July 31, 8 have been locked up since last year. They share facilities with persons imprisoned for criminal offenses. While women initially may consent to this arrangement, it often is difficult for them later to obtain their release, or to gain access to family or lawyers. While there have been reports in prior years of police raping women in safe custody, there were no reports that this occurred during the year (see Section 1.c.).

The court system suffers from an overwhelming backlog of cases, which produces long pretrial delays. According to research by one human rights organization, most prison inmates never have been convicted and are awaiting trial. The Government

explains that many convicted persons who are appealing their cases sometimes mistakenly are counted as pretrial detainees. Government sources report that the period between detention and trial averages 6 months, but press and human rights groups report instances of pretrial detention lasting several years. Trials often are characterized by lengthy adjournments, which considerably prolong the incarceration of accused persons who do not receive bail. One human rights organization asserted that the average time in detention before either conviction or acquittal is in the range of 4 to 7 years. Reportedly some prisoners awaiting trial have been in prison longer than the maximum sentence they would receive if convicted. A bank officer from Chittagong who spent 15 years in prison awaiting trial on corruption charges was finally released. If convicted, his maximum sentence would have been no more than 10 years.

According to a newspaper report, Abdul Quddus of Kishoreganj, remained in prison after 9 years as an accused in a robbery case. Although the court set dates for hearings 69 times, the plaintiff did not appear. The court issued an arrest warrant against the plaintiff, but police did not arrest him. The court has the authority to dismiss the case, but unless a lawyer representing the accused requests dismissal, the court is unlikely to do it.

Nearly 6 years after completing a 2-month jail term for using an invalid passport, Goddi Ochendo, a Nigerian citizen, was finally released on February 17 after intervention by the High Court in response to a newspaper report. On May 22, the High Court ordered the release of 29 foreigners who had not been released after completing their jail terms.

Citizens who are not political opponents sometimes also are detained arbitrarily. Newspapers and human rights activists report numerous cases in which a person is arrested in order to force family members to pay for his or her release. For example, after 10 months of detention in a case of mistaken identity, Noor Hossain was released on bail from a jail in Khulna on March 25. According to Hossain, after his brother Noor Mohammad was charged in a case, a police officer first asked Hossain, and then his father, for a bribe, offering to settle his brother's case. After Hossain and his father both refused to pay, the police officer submitted a report identifying Hossain as his brother. Hossain was arrested in June 2000. In December 2000, Hossain's brother was killed in Dhaka. After a human rights organization intervened in the case, the court ordered the police to report on Hossain's identity and granted Hossain bail. Most persons detained under the SPA ultimately are released without charges being brought to trial (see Sections 1.f. and 2.a.).

The Government sometimes uses serial detentions to prevent the release of political activists. Jatiya Party Chairman Ershad was detained under the SPA in March after the court ordered his release upon payment of a fine in a corruption case. Maulana Azizul Haq, Chairman of the Islami Oikkyo Jote, a member of the four-party alliance, was rearrested inside prison in another case after the court granted him bail.

Numerous court cases have been filed against opposition M.P.'s and activists, on charges ranging from corruption to murder. Obaidur Rahman, a BNP M.P., and two other political figures were arrested in October 1998 for alleged complicity in the 1975 "jail killings" of four senior Awami League leaders; he was released on bail in December. The Government continued to hold eight persons accused of perpetrating these murders. The trial began on April 12.

Some opposition activists were detained or charged in questionable cases. On June 18, 11 members of the Jamaat-e-Islami were arrested under the SPA for preventive detention after meeting with a foreign NGO, the National Democratic Institute (NDI), to discuss training for election polling agents. NDI had held virtually the same meeting with each of the major political parties. At the time of the arrest, police told Jamaat members that they were under arrest for "subversive, secret meetings with foreigners." Grounds for detention were later listed as conspiring to commit sabotage and possession of subversive literature. Five of the 11 were released on June 30, and the remainder on August 6.

It is difficult to estimate the total number of detentions for political reasons. In some instances criminal charges may apply to the actions of activists, and many criminals claim political affiliations. Because of crowded court dockets and magistrates who are reluctant to challenge the Government, the judicial system does not deal effectively with criminal cases that may be political in origin. There is no independent body with the authority and ability to monitor detentions, or to prevent, detect, or publicize cases of political harassment. Most such detentions appear to be for several days or weeks. Defendants in most cases receive bail, but dismissal of wrongful charges or acquittal may take years.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, under a longstanding “temporary” provision of the Constitution, the lower courts remain part of the executive and are subject to its influence. The higher levels of the judiciary display a significant degree of independence and often rule against the Government in criminal, civil, and even politically controversial cases; however, lower level courts are more susceptible to pressure from the executive branch. There also is corruption within the legal process, especially at lower levels.

In September 2000, Nurul Islam, the BNP Organizing Secretary for Laxmipur district, was abducted from his home during the night. A case was filed against Abu Taher, the Awami League Laxmipur District General Secretary, two of his sons, and 12 others. For 11 months, police did not arrest Taher or his sons, the main defendants in the case. Three weeks after the non-partisan caretaker Government came to power in July, police arrested one of Taher’s accused sons and another son. The court subsequently demanded that Taher turn himself in, which he did (See Section 1.b.).

In March 1999, four police officers were charged with manslaughter after a body was found in the rooftop water tank of the Detective Branch in Dhaka. In January this year, the victim’s wife told reporters that the public prosecutor in the case told her to keep away from the court. Witnesses had not appeared on 17 prior hearing dates. Later, the victim’s wife told reporters that the lawyer and the brother of the main defendant accused offered her approximately \$18,500 (1,000,000 taka) to change her story. The trial began on March 12 after the Law Ministry appointed a new public prosecutor following a High Court order. At year’s end, the case was ongoing.

The court system has two levels: The lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consist of magistrates, who are part of the executive branch of government, and session and district judges, who belong to the judicial branch. On June 21, the Supreme Court reconfirmed an earlier 12-point ruling regarding the procedures for a 1997 High Court order to separate the judiciary from the executive. The 12-point ruling declared which elements of the 1997 order could be implemented without requiring a constitutional amendment. The Supreme Court ordered the Government to implement those elements within 8 weeks. On August 5, Ishtiaq Ahmed, law advisor to the caretaker Government, announced that the judiciary would be separated from the executive by promulgating an ordinance. The Supreme Court is divided into two sections, the High Court and the Appellate Court. The High Court hears original cases and reviews cases from the lower courts. The Appellate Court has jurisdiction to hear appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Court are binding on all other courts.

Due to the judicial system’s million-case backlog, the Ministry of Law initiated a pilot program in Comilla offering Alternative Dispute Resolution (ADR) in some civil cases, whereby citizens have the opportunity to have their cases mediated by persons with a background in law before filing their cases. According to Government sources, the pilot program has been very successful, and is popular among citizens in the area. This program also has been implemented in Dhaka and Chittagong.

Trials are public. The law provides the accused with the right to be represented by counsel, to review accusatory material, to call witnesses, and to appeal verdicts. State-funded defense attorneys rarely are provided, and there are few legal aid programs to offer financial assistance. In rural areas, individuals often do not receive legal representation. In urban areas, legal counsel generally is available if individuals can afford the expense. However, sometimes detainees and suspects on police remand are denied access to legal counsel. Trials conducted under the SPA, the PSA, and the Women and Children Repression Prevention Act are similar to normal trials, but are tried without the lengthy adjournments typical in other cases. Under the provisions of the PSA and the Women and Children Repression Prevention Act, special tribunals hear cases and issue verdicts. Cases under these laws must be investigated and tried within specific time limits, although the law is unclear as to the disposition of the case if it is not finished before the time limit elapses (see Section 1.d.).

Persons may be tried in absentia, although this rarely is done. Thirteen of the 21 persons accused in the 1975 “jail killing” case are being tried in absentia, and 8 of those convicted of killing Sheikh Mujibur Rahman and 21 members of his family were convicted in absentia in 1998 (see Section 1.d.). There is no automatic right to a retrial if a person convicted in absentia later returns. Absent defendants may be represented by state-appointed counsel, but may not choose their own attorneys, and, if convicted, may not file appeals until they return to the country.

A major problem of the court system is the overwhelming backlog of cases, and trials underway typically are marked by extended continuances while many accused

persons remain in prison (see Section 1.d.). These conditions, and the corruption encountered in the judicial process, effectively prevent many persons from obtaining a fair trial or justice.

According to one independent survey conducted by Transparency International Bangladesh, more than 60 percent of the persons involved in court cases paid bribes to court officials.

On August 22, Idris Ali was released after serving 5 years in prison in a case of mistaken identity. The High Court ordered his release on three separate occasions, but the orders did not reach the jail authorities. Idris' lawyer stated that "without paying a bribe at each and every level, no document reaches its destination in the judicial system. Even if the documents reach their destination, the victims do not get released without paying bribes." Finally the High Court delivered Idris' release order via private courier, and he was released. Because of the difficulty in accessing the courts and because litigation is time consuming, alternative dispute resolution by traditional village leaders, which is regarded by some persons to be more transparent and swift, is popular in rural communities. However, these mechanisms also can be subject to abuse.

In one Dhaka constituency, Awami League M.P. Haji Selim has set up his own "alternate judicial system." Selim issues notices and brings alleged criminals to his home, where he has established his own "court" and appointed five "judges." If the accused does not surrender, Selim's men seal his house, often with family members inside. In a June 14 newspaper interview, Selim proclaimed his success in addressing the law and order situation, stating that, "It takes iron to cut iron." Selim admits to publicly ordering his men to beat terrorists, extortionists, and muggers to death. He states that he wants "at least one dead body per year . . . [he does] not understand human rights." Selim claims that on some occasions, after his men have beaten up violent criminals, the criminals have returned and he has engaged them in productive employment. Selim lost his seat in the October 1 election.

The Awami League Government stated that it held no political prisoners, but the BNP and human rights monitors claim that many opposition activists were arrested and convicted under criminal charges as a pretext for their political activities. It is not clear how many such prisoners actually are being held (see Section 1.d.). Soon after assuming power in mid-July, the caretaker Government formed a judicial commission to review cases of political prisoners and detentions under the SPA (see Section 1.d.). The commission recommended that some cases be brought to trial and others dismissed. On December 29, the BNP Government formed its own judicial commission to look into political cases from the previous government.

In 1999 Jatiya Party leader Ershad entered into an alliance with other opposition parties to pressure the Awami League Government to step down. In August 2000, in a case concerning misuse of power and corruption during Ershad's tenure as President, a High Court panel sentenced Ershad to 5 years in prison and a fine of \$1 million (approximately 55 million taka). Following his conviction, the court barred Ershad from Parliament for 6 years. An appellate panel of the Supreme Court ruled that Ershad could be released from prison after payment of the fine, or after serving 6 months if the fine was not paid. Ershad served 3 months and paid half of the fine on February 28, and the Court ordered his release. Instead of releasing him, the Government detained him under the Special Powers Act. Ershad successfully challenged the SPA detention, but the Government pursued a separate corruption case against him. Ershad appealed for bail and was denied, but later was transferred to a hospital where he was permitted to hold party meetings. After convincing his party to return to Parliament in defiance of the opposition alliance's almost 3-year boycott, Ershad was finally granted bail and released. Soon after his release, his party left the four-party opposition alliance.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires authorities to obtain a judicial warrant before entering a home; however, according to human rights monitors, police rarely obtain warrants, and officers violating the procedure are not punished. In addition the SPA permits searches without a warrant.

The Government sometimes forcibly resettles persons against their will. In 1999 police forcibly removed 267 sex workers from a large brothel district in Tanbazar and Nimtoli, Narayanganj. Authorities claimed that the women wished to be rehabilitated, but credible eyewitnesses stated that the women refused the offer. The 267 women were confined in a center for vagrants, where some alleged that they were abused. Eventually all of the women were released from the vagrant home, and most returned to work in other locations. On September 7, 70 sex workers tried to re-enter the vacant Tanbazar brothel. The women insisted that they had a right to re-enter the premises that they used to rent. Police resisted as the sex workers tried to force their way in. Some women were injured, three of whom were hospitalized.

The Government sometimes punishes family members for the alleged crimes of others.

The Special Branch division of the police, National Security Intelligence, and the Directorate General of Forces Intelligence (DGFI) employ informers to report on citizens perceived to be political opponents of the Government and to conduct surveillance of them. Political leaders, human rights activists, foreign NGO's, and journalists report occasional harassment by these security organizations. In addition, foreign missionaries report that internal security forces and others closely watch their activities; however, no missionaries reported harassment during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech, expression, and the press, subject to “reasonable restrictions” in the interest of security, friendly relations with foreign states, public order, decency and morality, or to prohibit defamation or incitement to an offense; however, there were numerous examples of the Government limiting these rights in practice. Some government leaders encouraged violence against journalists by ruling party members.

In the past, journalists pressed for repeal of the Official Secrets Act of 1923, and such discussion resurfaced during the year. According to the Act, a citizen must prove why he or she needs information before the Government will provide it. By placing the burden of proof on the citizen, the Official Secrets Act protects corrupt government officials from public scrutiny, hindering transparency and accountability of government at all levels.

The press, numbering hundreds of daily and weekly publications, is a forum for a wide range of views. While most publications support the overall policies of the Government, several newspapers report critically on government policies and activities, including those of the Prime Minister. In addition to an official government-owned wire service, there is one privately owned wire service affiliated with a major international company.

Newspaper ownership and content are not subject to direct government restriction. However, if the Government chooses, it can influence journalists through financial means. Government-sponsored advertising and allocations of newsprint imported at a favorable tariff rate are central to many newspapers' financial viability. Government-sponsored advertising is the largest source of revenue for many newspapers. In allocating advertising through the Department of Films and Publications, the Government states that it considers circulation of the newspapers, wage board implementation, objectivity in reporting, coverage of development activities, and “attitude towards the spirit of Bangladesh's War of Liberation.” In the past, commercial organizations often were reluctant to advertise in newspapers critical of the Government due to fear of government or bureaucratic retaliation; however, this appears to no longer be the case.

The Government owns and controls virtually all radio and television stations with the exception of a few independent stations, such as Ekushey Television (ETV) and Radio Metrowave. The activities of the Prime Minister occupy the bulk of prime time news bulletins on both television and radio, followed by the activities of members of the Cabinet. Opposition party news gets little coverage. As a condition of operation, both private stations are required to broadcast for free some government news programs and speeches by the Prime Minister and President. In 1998 a government committee recommended measures for authorizing autonomy for radio and television broadcasts. On July 12, Parliament approved two bills granting autonomy to state-run Bangladesh Television (BTV) and Bangladesh Betar (Bangladesh Radio). Even with the passage of these laws, the public still believes that there is no real autonomy for BTV and Bangladesh Radio. Government intrusion into the selection of news remained a pervasive problem. Many journalists at these stations exercised self-censorship out of regard for what they felt were the government's wishes.

On June 16, the Ministry of Information issued a show cause notice to Faruque Alamgir, the Deputy Director General for news at BTV, to explain why news of the June 16 bomb attack on the Narayanganj Awami League office was not broadcast despite instructions from the State Minister for Information to broadcast it. As a result, the BTV's Narayanganj correspondent was fired and another journalist was barred from further news casting. Both were held responsible for “negligence of duties” for their failure to report the news, presumably the result of a misguided effort to self-censor.

Journalists and others potentially are subject to incarceration when criminal libel proceedings are filed by private parties. Ruling party M.P.'s filed separate criminal libel suits against several newspapers after articles were published that the politicians viewed as false and defamatory. The journalists in all cases received anti-

patory bail from the courts, and none of the cases moved to trial. Sedition charges remained pending, and those persons accused remained on bail. In November 2000, a new sedition charge was filed against an editor, previously charged, Bahauddin, for publishing a parody of the national anthem mocking the Prime Minister. When the police arrived at Bahauddin's residence to arrest him, he was not there, so they arrested his brother Mainuddin instead (see Sections 1.d. and 1.f.). Mainuddin was arrested under the PSA, and therefore was not eligible for bail. Mainuddin was not charged; after 16 days he was released. Charges against editor Bahauddin remain pending in both sedition cases.

Virtually all print journalists practice self-censorship to some degree, and commonly are reluctant to criticize politically influential personalities in both the Government and the opposition; however, some journalists do make such criticism. Many journalists cite fear of possible harassment, retaliation, or physical harm as a reason to avoid sensitive stories. Violent attacks on journalists and newspapers, and efforts to intimidate them by government leaders, political party activists, and others frequently occur and violence against journalists increased during the year. Political parties and persons acting on their behalf conducted attacks both on media offices and on individual journalists targeted as a consequence of their news reporting. These crimes largely remained unsolved and the perpetrators, often identified by name or party affiliation in press reports, have not been held accountable. Attacks by political activists on journalists also are common during times of political street violence, and some journalists were injured in police actions.

On April 18, armed men led by Chittagong City Corporation's Ward Commissioner and Awami League member Mamunur Rashid assaulted two reporters from Chittagong's Bengali language newspaper Purbokon following the publication of a report critical of Rashid. The attackers confined the two journalists in the newspaper office until 3:30 a.m. and beat them. The gang then ransacked the office of the newspaper. On August 7, several persons including a nephew of former BNP Minister Major General (retired) Majidul Haq, repeatedly stabbed and seriously injured Bulu Sharif, the Magura district correspondent of the Dhaka based Bengali-language newspaper Jugantor while he was returning home from assignment. Sharif was attacked for a news story regarding Majidul Haq's prospects in the October election.

Political activists frequently attacked journalists. On January 15, several activists reportedly from the student wing of the Awami League attacked, ransacked, and looted the Baufal residence of the correspondent of the Dhaka-based Bangla-language daily Ittefaq. The attackers destroyed the journalist's camera, fax machine, and furniture, and stole money. They also issued a death threat against him. On January 25, political activists, reportedly with the support and backing of M.P. Joynal Hazari, beat and stabbed the United News of Bangladesh's (UNB) correspondent in Feni, Tipu Sultan. His injuries required treatment in Bangkok. Local police initially refused to cooperate when Sultan sought to lodge a complaint. The Awami League's political opponents blamed a pro-Awami League student front and Awami League activists for the attack. The Awami League Government donated approximately \$2,000 (100,000 takas) for the injured journalist's treatment.

On April 13, three political activists beat M. Abdullah, a staffer of the Bangla-language daily Inqilab, near the official residence of the leader of the Parliamentary opposition, Begum Khaleda Zia. The police rescued him. Reports alleged that a BNP leader incited the activists to assault Abdullah for publishing press accounts connected to the BNP.

On April 24, Muniruddin Ahmed, a staff correspondent of the Dhaka-based Bangla-language daily Inqilab in Khulna, was assaulted, allegedly by Awami League activists, at the Picture Palace Crossing in Khulna City while on assignment. Awami League activists declared Ahmed an unwelcome person for his reporting about then-Prime Minister and Awami League leader Sheikh Hasina.

On July 16, armed cadres of Chatra League, the student wing of the Awami League, launched an armed attack on the residence of M. Zahirul Islam, the Gouronadi correspondent of the Dhaka-based Bangla-language daily Prothom Alo. They stabbed the journalist and stole his fax and cell phone. The attackers also threatened to set fire to his house and business if he informed the police about the incident. The incident was believed by the press to be a reprisal for several previous critical reports by the journalist about the persons in question.

On July 22, the police recovered the mutilated body of Ahsan Ali, the Rugganj correspondent of the Dhaka-based Bengali-language daily Jugantor, from the DND canal near the Gandharbapur High School in Rugganj. Ali's wife stated that her husband had been missing since July 20. She stated that the Secretary of Rugganj Chatra League had previously threatened to kill Ali. Ali apparently had a running dispute with one of his cousins over the ownership of land. The police arrested two

persons in connection with the killing, including Ali's stepbrother. It is not clear whether the killing was a reaction to press reporting.

On February 25, Tangail district police indiscriminately beat journalists in front of the Tangail Press Club, injuring nine journalists including two members of the Tangail Press Club Executive Committee. Some examinees of Sadat University College protested their expulsion from the examination at a press conference at the Press Club at which the police beat attending journalists. Seven police personnel later were suspended by the administration. On February 26, Rajbari district police arrested Liton Chakravarty, district correspondent of the Bangla-language newspaper *Bhorer Kagoj*. He alleged that he was tortured while in police custody after the arrest. Chakravarty reported on irregularities at the local hospital and negligence by nurses and doctors. Police arrested him on the basis of a complaint filed by a hospital nurse.

On April 20, a group of armed men ambushed Prabir Sikder, the Faridpur district correspondent for the Dhaka-based Bangla-language daily *Janakantha*, near Faridpur while he was on assignment. Eyewitness accounts recorded in the local press said the attackers threw several Molotov cocktails, shot and stabbed him repeatedly and then fled the scene. Sikder was later transferred to Dhaka's National Institute of Cardiovascular Diseases where the attending doctors amputated his right leg, which had been shattered by bullets. Local journalists claim Sikder was most likely attacked for his reporting on the alleged collaboration of prominent local figures with Pakistani forces during the 1971 war of liberation, and on current criminal activities. The prominent figures included a close relative of an influential central leader of the Awami League, and a BNP activist and alleged domestic terrorist. Press reports stated that the police charged 10 persons with involvement in the incident on September 10 but excluded the alleged close relative of the influential Awami League leader.

On June 5, members of a gang believed to be engaged in stealing shipping oil and property kidnaped Atahar Siddique Khasru, the Sitakunda correspondent of Dhaka-based Bangla-language daily *Ittefaq*. Khasru wrote a series of news stories on corruption in the shipping industry. Anonymous callers reportedly demanded approximately \$9,000 (500,000 takas) from Khasru's family. The abductors abandoned Khasru in an unconscious state in the Barabkunda area of Chittagong on June 26, 11 days after he was abducted. Mamun, the son of a local Awami League M.P., Abul Kashem Master, allegedly led the abductors.

On July 12, a gang of youths armed with swords, axes, and guns were waiting in front of the residence of Tuhin Aronno, the Meherpur district correspondent of the Dhaka-based Bangla-language daily *Prothom Alo*. However, they fled the area when local residents saw them. Since then, they have threatened Aronno by telephone. Tuhin Aronno ran a story in *Prothom Alo* on June 25 about pre-election violence being organized by the local Awami League. Aronno also received a death threat by telephone from a person identifying himself as a relative of local BNP M.P. Abdul Ghani, after Aronno ran a story regarding disputes within the four-party alliance.

In January 2000, two unidentified persons threw a bomb at the building that houses the Bangla-language daily *Dainik Azadi*, causing no major damage; however, a few minutes later, another bomb blast damaged the managing editor's car. Also in January 2000, the leader of the local *Jatiyabadi Chhatra Dal* (the student wing of the BNP in *Munshiganj*), attacked Zakir Hossain Sumon-Srinagar, a correspondent for the *Ajker Kagoj*, reportedly because he published a news item criticizing the student group. When Sumon was attacked, a senior journalist, Shafi Uddin Ahmed, tried to rescue him and also was attacked by the student group. No one was held accountable in either incident.

In January 2000, three unidentified persons shot and killed journalist Mir Illais Hossain in *Jhenaidah*. The journalist, also the leader of a leftist party, allegedly had received death threats a few weeks before the killing and had requested police protection. Four persons were arrested for their suspected involvement in the murder. By year's end, charges had not been filed. On February 27, a court in *Narayanganj* issued an arrest warrant for the editor and other officers of the opposition daily *Dinkal* on the basis of a complaint lodged by a ruling party M.P., who accused the newspaper of publishing false, malicious, and inaccurate reports about him. On March 8, police officers raided the newspaper's office, threatening journalists and damaging furniture. The police withdrew after approximately 1 hour. On May 20, activists from the ruling party student front, the BCL, assaulted two Dhaka University correspondents and threatened to kill one of them.

In July 2000, two men entered the Jessore office of the Bangla-language daily *Janakantha* and shot and killed reporter Shamsur Rahman (see Section 1.a.). Rahman had been reporting on the activities of criminal gangs in the southwest

part of the country, and the relationship of those gangs to national political parties. By September 2000, 12 persons had been arrested in connection with the murder. Charges were filed during the year and at year's end, their trial was pending.

According to the Committee to Protect Journalists, in October 2000, a group of Jubo League activists, the youth wing of the ruling party, threatened Sohrab Hossain, a reporter with the regional Loksamaj, after he wrote an article about problems with the Government's relief efforts in the flood-ravaged district of Satkhira. In October 2000, the then-State Minister for Social Welfare Mozammel Hossain (the person in charge of overseeing relief operations in Satkhira district) reportedly actively encouraged ruling party members to attack the press physically by saying "Wherever you will find journalists, break their bones." The next day, a group led by local Awami League leader Nurul Islam ransacked the office of the local daily "Satkhirar Chitro" and assaulted Anisur Rahim, the newspaper's editor, with knives and a revolver; he had to be hospitalized. The attack followed the newspaper's report on the alleged misappropriation of disaster relief funds (see Section 1.c.). One person was arrested for his involvement in the attack on the editor following the state minister's remarks, but no charges were filed.

According to the International Freedom of Expression Exchange, in October 2000, Monwar Islam, senior journalist and secretary-general of the Dhaka Reporters Unity (an organization for reporters working in Dhaka) narrowly escaped an abduction attempt, allegedly because of his reporting. No investigation was conducted, and Islam fled the country.

On January 13, followers of a "fatwabaj" (a religious leader who issues religious edicts) attacked a 12-member Bangladesh Television (BTV) team shooting a program in Bogra district on the misinterpretation of religious instructions. The TV team, including the moderator of the program, was held hostage for 8 hours until the police effected a rescue. The attackers beat a member of the production crew and the driver of the vehicle transporting the team. A case was filed at the local police station under the Public Safety Act against the fatwabaj and some of his followers. The fatwabaj filed a counter-suit under the same act against the TV crew, accusing them of unveiling women in its reporting.

On June 20, members of what is believed to be an underground Islamic group conveyed death threats to Shahjahan Hossain Badshah, a photographer of the Rajshahi-based Bangla-language daily Sonali Sangbad.

No progress has been made in the prosecution of the persons accused in the homicide case of Shamsur Rahman, the Jessore correspondent of Dhaka-based Bangla-language daily Janakantha who was killed at his office in July 2000. Sixteen persons, including five journalists, were charged with the murder of the journalist who also was a BBC Bangla Service employee. One of the accused is a local Awami League leader and another is a ward commissioner of the Khulna City Corporation. Eight of the accused remain at large.

In May the Awami League Government stopped the Grameen Mobile Phone Company from sending news bulletins to its subscribers. The company had started a 24-hour phone news service in partnership with two independent newspapers in January. The ban was imposed nearly 4 months after GrameenPhone, the country's largest mobile phone company, flashed news to its nearly 365,000 subscribers about the killing of four persons during an antigovernment protest. The company started receiving warnings from the Ministry of Information soon after it sent out news flashes in January. The Ministry sent a written order in June to stop the news service on the ground that the company had not obtained government approval to broadcast news. The caretaker Government lifted the ban on September 1.

Feminist author Taslima Nasreen, whose latest book was banned in 1999, remains abroad after being freed on bond while criminal charges against her for insulting religious beliefs remain pending.

A government Film Censor Board reviews local and foreign films, and may censor or ban them on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism. The Board did not ban any locally produced Bangla films during the year. However, the Board banned the screenings of several imported English-language movies for their pornographic content. Video rental libraries provide a wide variety of films to their borrowers, and government efforts to enforce censorship on these rental films are sporadic and ineffectual. The Government does not limit citizens' access to the Internet.

Foreign publications are subject to review and censorship. Censorship most often is used in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, and objectionable comments about national leaders. In October the BNP Government banned the popular Calcutta-based Bangla-language magazine *Desh*. The Government alleged that the magazine was offensive to the country and its citizens.

The Government generally respects academic freedom. Although teachers and students at all levels largely are free to pursue academic assignments, research on extremely sensitive religious and political topics is forbidden.

The situation on public university campuses remains volatile, seriously inhibiting the ability of students to receive a university education and of teachers to teach. Armed clashes between student groups of different parties or of different factions within a particular party resulted in prolonged closures of colleges and universities in Dhaka, Chittagong, Rajshahi, Kushtia, Sylhet, and Barisal. As a result of a dispute between student factions over the naming of several student dorms, Shah Jalal University in Sylhet remained closed for than 3 months. Following the establishment of the caretaker Government, rivalries between student factions of the two major political parties over the control of various student dorms of Dhaka University resulted in the death of several "outsiders" and continuous strikes on campus. Campus violence has little to do with ideological differences, and more to do with extortion rackets run by nonstudent party activists, including those based on physical control of dormitories. As a result of widespread violence and campus closures, it takes nearly 6 years to earn a 4-year degree. However, several private universities that were established during the 1990's are not affected by student political violence.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, subject to restrictions in the interest of public order and public health; however, the Government frequently limits this right. The Criminal Procedure Code allows the Government to ban assemblies of more than four persons. According to one human rights organization, the Government imposed such bans 47 times during the first 7 months of the year. The Government sometimes uses bans to prohibit rallies for security reasons, but many independent observers believe that such explanations usually are a pretext. Supporters of the ruling party frequently will schedule their own rallies for the same venue and time as scheduled opposition rallies and meetings, thus providing the Government a basis for imposing a ban for security reasons. On March 30, the four-party alliance (then in the political opposition) scheduled a rally in Nazirpur, Pirojpur District; a local Jamaat Party M.P. was scheduled to speak. The Awami League's youth front then announced a rally at the same venue at the same time, leading to a clash between activists. In response to the violence, the local administration imposed a ban, preventing either rally from being held. The Jamaat M.P. then tried to hold a meeting at a local BNP office, but police prevented him. After Kader Siddiqi, leader of the Krishok Sromik Janata League scheduled a rally at Nagarpur Government College for July 1, the local Awami League chapter called a rally at the same venue at the same time, leading the local administration to impose a ban. The Government banned rallies within 3 kilometers of the college. Siddiqi held the rally 50 yards from the college grounds, thus violating the ban.

Rallies and demonstrations sometimes turn violent. After a January High Court ruling that all fatwas were illegal (see Section 2.c.), a series of rallies and protests left at least 14 persons dead and hundreds injured (see Sections 1.a. and 1.c.).

On July 15, the day that the caretaker Government was sworn in, 5 Awami League leaders were killed and more than 400 persons were injured in numerous clashes between activists of both the Awami League and the four-party alliance. Six persons were injured when bombs were thrown at an Awami League procession, led by M.P. Haji Selim in the Lalbagh district of Dhaka. Bombs also were thrown at buses carrying Awami League activists to the National Parade Grounds where they had scheduled a rally.

The four-party alliance, while in the opposition, called numerous hartals during the year at the national and local levels. Local ruling party groups also called local hartals. Party activists enforce these strikes through threatened or actual violence against strikebreakers. Those persons who are opposed to or neutral toward the strike are coerced into observing prohibitions against vehicular transport and normal operation of businesses. Both opposition and ruling party activists mount processions during general strikes. Despite surveys showing that a majority of citizens are opposed to the use of hartals as a political weapon, all of the major parties continue to call hartals. In August leaders of all parties agreed to refrain from calling for hartals; however, within a day, Awami League leaders started holding hartals and the BNP followed suit. Police rarely interfere with ruling party processions on such occasions; police and ruling party activists often work in tandem to disrupt and to discourage opposition processions.

The Constitution provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and in general the Government respects this right. Individuals are free to join private groups.

c. Freedom of Religion.—The Constitution establishes Islam as the state religion but also stipulates the right—subject to law, public order, and morality—to practice the religion of one’s choice, and the Government respects this provision in practice. However, although the Government is secular, religion exerts a powerful influence on politics, and the Government is sensitive to the Muslim consciousness of the majority of its citizens. Approximately 88 percent of the population is Muslim. Some members of the Hindu, Christian, and Buddhist minorities continue to perceive and experience discrimination toward them from the Muslim majority (see Section 5).

Religious organizations are not required to register with the Government; however, all nongovernmental organizations (NGO’s), including religious organizations, are required to register with the NGO Affairs Bureau if they receive foreign money for social development projects. The Government has the legal ability to cancel the registration of an NGO or to take other action against it; such powers rarely are used and have not affected NGO’s with religious affiliations.

Religion is taught in schools, and children have the right to be taught their own religion. Some claim that many Government-employed religious teachers of minority religions are neither members of the religion they are teaching nor qualified to teach it. Therefore, in practice schools with few religious minority students often work out arrangements with local churches or temples, which direct religious studies outside school hours. However, transportation may not always be available for children to attend religion classes away from school.

The law permits citizens to proselytize. However, strong social resistance to conversion from Islam means that most missionary efforts by Christian groups are aimed at serving communities that have been Christian for several generations or longer. The Government allows various religions to establish places of worship, to train clergy, to travel for religious purposes, and to maintain links with co-religionists abroad. Foreign missionaries may work in the country, but their right to proselytize is not protected by the Constitution. Some missionaries face problems in obtaining visas or renewing visas, which must be renewed annually.

In January the High Court ruled illegal all fatwas, or expert opinions on Islamic law. Fatwas can include the decision as to when a holiday is to begin based upon the sighting of the moon, or an opinion on a religious issue. Only those Muftis (religious scholars) who have expertise in Islamic law are authorized to declare a fatwa. However, in practice village religious leaders sometimes make declarations on individual cases, calling the declaration a fatwa. Fatwas commonly deal with marriage and divorce, or mete out punishments for perceived moral transgressions. Victims are sometimes lashed, or shunned by their communities (see Section 1.e.). While the Court’s intention was to end the extrajudicial enforcement of penalties by religious leaders, the January ruling declared all fatwas illegal and resulted in violent public protests (see Section 1.a.). Several weeks later, the Appellate Court stayed the High Court’s ruling. No date has been set for re-hearing the issue.

Many Hindus have been unable to recover landholdings lost because of discrimination in the application of the law, especially the Vested Property Act. Property ownership, particularly among Hindus, has been a contentious issue since partition in 1947. On April 9, Parliament passed the “Vested Property Return Bill of 2001.” This law required the Government to return land that was seized under the now-defunct Vested Property Act, a Pakistan-era law that allowed “enemy” (in practice Hindu) lands to be expropriated by the State. Approximately 2.5 million acres of land was seized from Hindus and almost all of the 10 million Hindus in the country were affected. The Vested Property Act was suspended in 1984, but some claims allegedly were backdated. Under the new Return Bill, the Government will return land remaining under its control to the original owners or heirs, provided that they remain citizens of the country. Hindus who fled to India and resettled there will not be eligible to have their land returned, and no provisions were included for compensation for or return of properties that the Government has sold. The Government was tasked to prepare a list of vested property holdings by October 11, and claims must be filed within 90 days of the publication date. No further claims are to be accepted after this period expires.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens generally are able to move freely within the country and to travel abroad, to emigrate, and to repatriate; however, there were instances in which the Government restricted these rights. In August 1999, immigration authorities seized the passport of Jatiya Party Secretary General Naziur Rahman Monzur. A High Court ruling ordered the passport to be returned to Monzur, and the Supreme Court rejected government appeals against the ruling. Monzur’s passport finally was returned in July, under the caretaker Government. In December 1999, the leader of the then-opposition Jamaat-e-Islami, Ghulam Azam, submitted his passport to immigration authorities for renewal, but it was not renewed. Azam success-

fully challenged the Government's refusal to renew his passport, and, after more than a year, finally received it. On May 9, shortly before Azam planned to travel to London, police surrounded his home, informed him that the Government had restricted his travel, and searched his home in a failed attempt to seize his passport. In August, after the nonpartisan caretaker Government had assumed office, Azam traveled to London. The Government seized the passport of Jatiya Party leader H.M. Ershad in June 2000. The Government accused Ershad of planning a conspiracy to overthrow the Government while out of the country.

BNP Government authorities confiscated opposition Awami League leader Tofail Ahmed's passport on October 22. The apparent reason for this action was to prevent Ahmed from fleeing the country while the newly elected government was preparing to file corruption charges against him. On December 10, the High Court ordered the BDG to return the former Awami League Industries Minister's passport within 10 days. Special Branch police officers delivered Ahmed's passport to him on December 20.

On occasion the movement of major opposition political leaders is restricted, and the Government does little to assist them. On June 17, as Khaleda Zia, leader of opposition party BNP, attempted to visit the southern part of the country to address a scheduled rally, her motorcade was fired upon repeatedly, forcing her to return to Dhaka. According to newspapers, witnesses said Awami League activists were responsible. However, the Awami League denied involvement in the incident. After returning to Dhaka, Khaleda Zia attempted to go by another route. However, local Awami League activists in Aminbazar and Savar organized blockades in the road.

Bangladeshi passports are invalid for travel to Israel.

Approximately 300,000 Bihari Muslims live in various camps throughout the country; they have been in the country since 1971 awaiting settlement in Pakistan. Biharis are non-Bengali Muslims who emigrated to what formerly was East Pakistan during the 1947 partition of British India. Most supported Pakistan during Bangladesh's 1971 War of Independence. They later declined to accept Bangladesh citizenship and asked to be repatriated to Pakistan. The Government of Pakistan historically has been reluctant to accept the Biharis.

Approximately 251,000 Rohingya refugees (Muslims from the northern Burmese state of Arakan) crossed into the southeast in late 1991 and 1992, fleeing repression. Since 1992 approximately 232,000 Rohingyas have been repatriated voluntarily to Burma, nearly 22,700 have left the camps and are living among the local citizens, more than 32,200 children have been born to the refugees, 7,700 have died, and more than 20,800 refugees remain in 2 camps administered by the Government in cooperation with the U.N. High Commission for Refugees (UNHCR). In April 1999, the UNHCR urged the Government to allow any refugees who could not return to Burma to be allowed to work in the country, benefit from local medical programs, and send their children to local schools. The Government refused these requests, insisting that all Rohingya refugees must remain in the camps until their return to Burma. According to Human Rights Watch, there are reports of violence by refugee camp officials against Rohingyas (see Section 1.c.). Despite senior level interaction with the Burmese Government, the two Governments remain unable to accelerate the rate of repatriation.

According to the UNHCR, the Government, and human rights groups, more than 100,000 Rohingyas who have entered the country since 1991 live in precarious circumstances in the country outside the camps with no formal documentation. The Government effectively denied first asylum to the new arrivals it encountered by categorizing them as illegal economic migrants and turned back as many persons as possible at the border. According to UNHCR, which has interviewed some of these migrants, at least some of them are fleeing persecution.

The law does not include provisions for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The law does not provide for first asylum or resettlement of asylum seekers. However, in practice the Government grants temporary asylum to individual asylum seekers whom the UNHCR has interviewed and recognized as refugees on a case-by-case basis. At the UNHCR's request, the Government allowed about 125 refugees and asylum seekers, including non-Rohingya Burmese, Somalis, Iranians, and Sri Lankans, to remain in the country pending durable solutions such as voluntary repatriation or resettlement to other countries.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The country is a multiparty, parliamentary democracy in which elections by secret ballot are held on the basis of universal suffrage. M.P.'s are elected at least every 5 years. The Parliament has 300 elected members. Party leaders appoint candidates for elections; many allege that some candidates effectively "purchase" nomination from party leaders with generous campaign contributions or personal "gifts."

Under a 1996 constitutional amendment, general parliamentary elections are presided over by a caretaker government, led by the most recently retired Chief Justice of the Supreme Court or, if he is unfit or unwilling, another senior retired justice or other neutral figure. Sheikh Hasina, leader of the Awami League, was Prime Minister until Parliament's term of office expired in July. At that time a caretaker Government was installed, headed by recently retired Chief Justice Latifur Rahman, who became Chief Advisor, in accordance with the Constitution. The mandate of the caretaker Government was to oversee the holding of the elections within 90 days of the dissolution of Parliament and to manage the day-to-day operations of the Government until the next Prime Minister took office on October 10. Domestic and international observers deemed the general election held on October 1 to be generally free and fair, in spite of sporadic violence and isolated irregularities. Khaleda Zia, leader of the Bangladesh National Party, was elected Prime Minister and took office on October 10.

Violence, including killings and injuries, occurred both before and after the October election. In September an activist from the Awami League was killed as he was campaigning. Also in September, two bomb blasts killed at least 8 Awami League members and injured more than 100 others in the district of Bagerhat during an election rally. In response to the increased violence, the caretaker Government deployed 50,000 troops. In the first 25 days of October, 266 murders and 213 rape cases related to post-election violence were recorded around the country. Harassment of Hindus, including killings, rape, looting, and torture, also allegedly was related to post-election violence (See Section 5).

Due to continuing objections from the opposition parties, the Election Commission did not schedule "upazila" (subdistrict) elections. During the year, the Government assumed the power to order the Election Commission to conduct upazila elections on a date of the Government's choosing. However, the Government had not ordered these local elections by year's end. In July 2000, Parliament passed the "zilla" (district) council law, which provides for indirect election of the district council chairman by an electoral college of elected lower level representatives. The law empowers the Government to appoint these chairmen until the indirect elections can be held. The Government has not made such appointments.

In 1991 the Constitution was amended and the country changed from a presidential system to a parliamentary system. The changes stipulated that an M.P. who resigns from his party or votes against it in Parliament automatically loses his seat. In practice this provision solidifies the control of Parliament by the Government and the Prime Minister. BNP member Major (retired) Akhtaruzzaman lost his seat in 2000 when he joined the parliamentary session in violation of his Party's decision to abstain. Akhtaruzzaman challenged the decision, and his seat remained vacant until Parliament dissolved in July. The lack of democracy within the political parties that have formed governments since 1991 has resulted in a concentration of political power in the office of the Prime Minister, regardless of which party is in power. In practice the Prime Minister usually decides on major governmental policies, with little or no involvement by Parliament. Parliament's effectiveness as a deliberative body is undermined further by the country's relatively narrow partisan politics. All of the major parties have boycotted Parliament while in the opposition, claiming that they had little opportunity to engage in real debate on legislation and national issues. However, in August, all of the major parties agreed that they would not boycott Parliament and would renounce the use of hartals. Nonetheless, parties continued to call hartals. Parliamentary committees are headed by M.P.'s rather than the ministers concerned, increasing the committees' effectiveness in overseeing government work. However, of the Seventh Parliament's 46 committees, only one was chaired by an opposition M.P.

On August 8, the caretaker Government passed an ordinance including measures to address much-needed election reform. These provisions gave more independence to the Election Commission, and gave law enforcement powers to specified military branches on election day. The new law requires political parties to maintain accounts and keep records of campaign contributions and expenses. It also codifies permission for election observers, both international and domestic, in the polling booths. While a limited number of observers were present in the polling booths during previous elections, there was no previous legal provision guaranteeing them ac-

cess. Local NGO's including civil society organizations deployed observers for the elections but their coverage was spotty and inconsistent. The ordinance also contains a provision to expedite the process for adjudicating election fraud cases. Due to excessive backlog in the court system, at the time the elections were held on October 1, 21 of 22 election fraud cases were still pending from the 1996 elections. Under the new provisions, election fraud cases are to go directly to the High Court.

In August leaders of both of the major political parties agreed in principle to parliamentary reforms intended to give a larger role to the opposition. Discussions regarding how best to accomplish this were ongoing at year's end.

Elections often are marred by violence, intimidation of voters, and vote rigging. The Government and activists of major political parties frequently use violence and harassment against political opponents, practices that intensify in the period prior to elections (see Section 1.a.).

Political activists also reportedly engage in extortion from businesses and individuals.

The percentage of women in government or politics does not correspond to their percentage of the population. Until April when the constitutional provision that provided parliamentary participation for them expired, 30 legislative seats were reserved for women appointed by majority vote in Parliament; critics charged that these seats acted far less to empower women than to enhance the ruling party's majority. A Government-sponsored bill to extend the provision could not be passed without a constitutional amendment, which would have required a two-thirds majority. This was not possible because of the opposition's parliamentary boycott. Women are free to contest any seat in Parliament, and in August, both the Awami League and the BNP agreed in principle to add at least 60 women's seats to the existing 300 in Parliament. These women are to be elected directly, rather than be appointed by the ruling party leader.

Seats are not specifically reserved for other minority groups, such as tribal people.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government generally permits human rights groups to conduct their activities. A wide variety of groups publish reports, hold press conferences, and issue appeals to the Government with regard to specific cases. While human rights groups often are sharply critical of the Government, irrespective of the ruling party, they frequently practice self-censorship, particularly on some politically sensitive cases and subjects. In the past, the Government has consulted with human rights groups on some draft legislation and taken their views into account. In January 2000, after discussions between the Government and some women's rights groups and NGO's, Parliament passed the Women and Children Repression Prevention Act. However, the Government continues to refuse to register the Bangladesh Section of Amnesty International, which since 1990 has applied several times for registration under the Societies Registration Act. Without this registration, a voluntary organization cannot receive funding from abroad.

The Government is defensive about international criticism regarding human rights problems. However, the Government has been open to dialog with international organizations and foreign diplomatic missions regarding such issues. Despite repeated promises to do so throughout their 5 years in power, the Awami League Government failed to enact legislation to establish a National Human Rights Commission.

In the past, the Government has put pressure on individual human rights advocates, including by filing charges against them that are known to be false. Such pressure also has included long delays in issuing reentry visas for international human rights activists. Missionaries who advocate human rights have faced similar problems.

In the past, human rights organizations have reported that the Government has put pressure on them usually in the form of harassment by the intelligence agencies and threats from activists of the ruling party.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that "all citizens are equal before the law and are entitled to equal protection by the law;" however, in practice the Government does not enforce strongly laws aimed at eliminating discrimination. Women, children, minority groups, and persons with disabilities often confront social and economic disadvantages.

Women.—Violence against women is difficult to quantify because of unreliable statistics, but recent reports indicated that domestic violence is widespread. A report

released by the U.N. Population Fund in September 2000 asserted that 47 percent of adult women report physical abuse by their male partner. The Government, the media, and women's rights organizations have fostered a growing awareness of the problem of violence against women. Much of the violence against women is related to disputes over dowries. According to a human rights group, there were 126 dowry-related killings during the year.

In November a housewife allegedly was beaten to death by her husband in Lakiganj upazila following an argument. Villagers handed the victim's husband over to the police.

Also in November, Abdur Rashid from Shailakupa upazila received the death penalty for killing his wife in July 1998.

The law prohibits rape and physical spousal abuse, but it makes no specific provision for spousal rape as a crime. According to one human rights organization, 622 women and girls were raped during the year. Prosecution of rapists is uneven. While some rapists receive sentences of "life imprisonment" (in practice generally 22½ years), other cases are settled by village arbitration councils, which do not have the authority to prosecute criminals and therefore issue only a fine. Many rapes go unreported. The Government also has enacted laws specifically prohibiting certain forms of discrimination against women, including the Dowry Prohibition Act, the Cruelty to Women Law, and the Women and Children Repression Prevention Act (see Section 1.d.). However, enforcement of these laws is weak, especially in rural areas, and the Government seldom prosecutes those cases that are filed. According to a human rights organization, there are 7 government-run and 13 privately run large shelter homes available for use by women who are victims of violence. Some smaller homes also are available for victims of violence. However, these are insufficient to meet victims' shelter needs. As a result, the Government often holds women who file rape complaints in safe custody, usually in prison. Safe custody frequently results in further abuses against victims, discourages the filing of complaints by other women, and often continues for extended periods during which women often are unable to gain release (see Sections 1.c. and 1.d.).

Human rights groups and press reports indicate that incidents of vigilantism against women—sometimes led by religious leaders—at times occur, particularly in rural areas. These include humiliating, painful punishments, such as the whipping of women accused of moral offenses (see Sections 1.a. and 2.c.).

Acid attacks are a growing concern. Assailants throw acid in the faces of numerous women and a small but growing number of men, leaving victims horribly disfigured and often blind. According to the Acid Survivors' Foundation, a local organization that offers assistance to acid attack victims, approximately 300 acid attacks occur each year. Nearly 80 percent of acid attack victims are female; more than 40 percent are under the age of 18. Even after extensive treatment in the country and abroad, victims remain severely scarred, making social reintegration very difficult. The most common motivation for acid-throwing attacks against women is revenge by a rejected suitor; land disputes are another leading cause of the acid attacks. Few perpetrators of the acid attacks are prosecuted. Often the perpetrator flings the acid in through an open window during the night, making cases difficult to prove. Of approximately 750 reported assaults with acid since 1998, 25 perpetrators have been found guilty. Of the 25 guilty verdicts, 9 perpetrators were sentenced to death. Sentences are commensurate with the extent of the victim's burns. Public interest litigation against easy access to acid remained pending at year's end.

Two NGO's lead the effort to counter acid violence: Naripokkhko ("Pro-Woman") and the Acid Survivors' Foundation. Between the two, their coordinated approach includes public awareness, case reporting, short- and long-term treatment, and legal justice. Societal support for both organizations in their attempts to combat acid violence is very strong.

There is extensive trafficking in women for the purpose of prostitution within the country and to other countries in Asia (see Section 6.f.).

For the most part, women remain in a subordinate position in society, and the Government has not acted effectively to protect their basic freedoms. Literacy rates are approximately 29 percent for women, compared with 52 percent for men. In recent years, female school enrollment has improved. Approximately 50 percent of primary and secondary school students are female. Women often are ignorant of their rights because of continued high illiteracy rates and unequal educational opportunities, and strong social stigmas and lack of economic means to obtain legal assistance frequently keep women from seeking redress in the courts. Many NGO's operate programs to raise women's awareness of their rights, and to encourage and assist them in exercising those rights.

Under the Muslim Family Ordinance, female heirs inherit less than male relatives do, and wives have fewer divorce rights than husbands. Men are permitted

to have up to four wives, although this right rarely is exercised. Laws provide some protection for women against arbitrary divorce and the taking of additional wives by husbands without the first wife's consent, but the protections generally apply only to registered marriages. Marriages in rural areas sometimes are not registered because of ignorance of the law. Under the law, a Muslim husband is required to pay his ex-wife alimony for only 3 months, but this rarely is enforced.

Employment opportunities have been stronger for women than for men in the last decade, which largely is due to the growth of the export garment industry in Dhaka and Chittagong. Eighty percent of the 1.4 million garment sector workers are women. Programs extending micro-credit to large numbers of rural women also have contributed to greater economic power for them. However, women still fill only a small fraction of other wage-earning jobs. According to a report by the Public Administration Reforms Commission publicized in October 2000, women hold only 12 percent of government jobs, and only 2 percent of senior positions. The Government's policy to include more women in government jobs only has had limited effect. In recent years, approximately 15 percent of all recruits into government service have been women. According to a Government survey released in May, women comprise only 2.1 percent of the workforce in the Home Ministry, which is responsible for police and internal security; women comprise only 1.77 percent of the workforce in the Ministry of Local Government and Rural Development.

The garment and shrimp processing industries employ the highest number of female laborers. Forty-three percent of women work in the agriculture, fisheries, and livestock sectors, but 70 percent of them are unpaid family laborers. Many women work as manual laborers on construction projects as well, and constitute nearly 25 percent of all manufacturing workers. Women also are found in the electronics, food processing, beverage, and handicraft industries.

Children.—The Government undertakes programs in the areas of primary education, health, and nutrition. Many of these efforts are supplemented by local and foreign NGO's. These joint efforts have allowed the country to begin making significant progress in improving health, nutrition, and education; however, slightly more than half of all children still are chronically malnourished. For example, the Bangladesh Rural Advancement Committee (BRAC), the country's largest NGO, provides primary education to more than 1.2 million children. In cooperation with the Non-Formal Education Directorate of the Government and some NGO partners, UNICEF is implementing a program to provide education to 350,000 (primarily working) children in urban slum areas around the country. In addition the ILO has undertaken education and social welfare programs for more than 50,000 children (see Section 6.d.). The Government made universal primary education between the ages of 6 and 10 years mandatory in 1991, but has not implemented the law fully. According to Education Ministry statistics, more than 80 percent of children between the ages of 6 and 10 years are enrolled in school. Enrollment of boys and girls is roughly equal. Attendance rates drop steadily with age; according to the Government, approximately 70 percent of all children complete grade 5. To serve the maximum number of children with limited facilities, most schools have two shifts. As a result, most children in grades one and two spend 2½ hours a day in school; children in grades 3 to 5 are in school for 4 hours. The Government provides incentives for rural female children between the ages of 12 and 16 years to remain in school. These incentives have been effective in increasing the number of girls in school.

Because of widespread poverty, many children are compelled to work at a very young age. This frequently results in abuse of children, mainly through mistreatment by employers during domestic service (children who work in domestic service may work in conditions that resemble servitude) and prostitution (see Section 6.c.); this labor-related child abuse occurs commonly at all levels of society and throughout the country (see Section 6.d.). Sometimes children are seriously injured or killed in workplaces (see Section 6.d.); including at least one child domestic who was the victim of an "unnatural death" (see Section 6.c.). Reports from human rights monitors indicate that child abandonment, kidnaping, and trafficking for prostitution continue to be serious and widespread problems. There is extensive trafficking of children, primarily to India, Pakistan, and destinations within the country, largely for the purpose of prostitution (see Section 6.f.). UNICEF has estimated that there are approximately 10,000 child prostitutes in the country. Other estimates have been as high as 29,000. Prostitution is legal, but only for those over 18 years of age and with government certification. However, this minimum age requirement commonly is ignored by authorities, and is circumvented easily by false statements of age. Procurers of minors rarely are prosecuted, and large numbers of child prostitutes work in brothels. There were credible reports that police facilitated or were involved in trafficking in of women and children. The law stipulates a maximum

sentence of life imprisonment (in practice, generally 22½ years) for persons found guilty of trafficking a child into prostitution.

Few facilities exist for children whose parents are incarcerated. According to an NGO, 310 children were in prison with their mothers as of July and an additional 471 minors under 16 were in prison serving sentences or awaiting trial. On May 27, police arrested 15 boys from the age of 10 to 12 under suspicion that they were planning "destructive and anti-social activities." The District Magistrate sentenced the boys to a 1-month detention under the Special Powers Act, then extended their sentence by 3 more months. As of August 29, the children remained in jail (See Section 1.d.).

Persons with Disabilities.—The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, in practice, the disabled face social and economic discrimination. The Government has not enacted specific legislation or otherwise mandated accessibility for persons with disabilities. Government facilities for treating the mentally ill or the retarded are inadequate. Unless a family has money to pay for private service, a mentally ill person can find little treatment in the country.

According to the National Forum of Organizations Working With the Disabled, an umbrella organization consisting of more than 80 NGO's working in various fields of disability, approximately 14 percent of the country's population has some form of disability. After sustaining a physical disability, women sometimes are "replaced" within their families and have nowhere to go. The economic condition of most families limits their ability to assist with the special needs of a person with disabilities, and superstition and fear of persons with disabilities in society sometimes result in their isolation.

However, there have been a number of private initiatives in the areas of medical and vocational rehabilitation, as well as employment of persons with disabilities. Physical and occupational therapists sometimes produce adaptive devices using locally available materials that often are less expensive and well suited to subtropical environments. The Center for Rehabilitation of the Paralyzed, a privately funded facility, provides both in-patient and out-patient medical services including physical therapy, occupational therapy, social work, counseling, and telemedicine for both children and adults with various physical disabilities. The Center runs a model village to enable the disabled to adjust to village life before reintegration. The Center also helps integrate residents back into society and provides vocational training, micro-credits, and employment generation opportunities. Advocacy, networking, and accident prevention also is provided. Some employers, both in the private for-profit and nonprofit sectors, have hired individuals with hearing impairments and physical disabilities for professional and nonprofessional positions, including as clerical workers, therapists, trainers, and computer-aided design operators.

Indigenous People.—Tribal people have had a marginal ability to influence decisions concerning the use of their lands. The 1997 Chittagong Hill Tracts (CHT) Peace Accord ended 25 years of insurgency in the CHT, although law and order problems continue. Former insurgent leader Jotirindrio Bodhipriya Larma, alias Shantu Larma, has publicly questioned whether the Peace Accord has been implemented properly, and has urged prompt government action to implement all provisions of the Accord. Confusion continues over the overlapping responsibilities of the various central and local government bodies involved in the Hill Tracts. The Land Commission that is to deal with land disputes between tribals and Bengali settlers does not yet function effectively in addressing critical land disputes. Tribal leaders also have expressed disappointment at the lack of progress in providing assistance to tribals who left the area during the insurgency.

Until 1985 the Government regularly allotted land in the CHT to Bengali settlers, including land that was claimed by indigenous people under traditional concepts of land ownership. This led to the displacement of many tribal groups, such as the Chakmas and Marmas. Bengali inhabitants in the CHT increased from 3 percent of the region's population in 1947 to approximately 50 percent of the area's population of 1 million persons in 1997. The Shanti-Bahini, a tribal group, had waged a low-level conflict in the CHT from the early 1970's until the signing of the Chittagong Hill Tracts Peace Accord with the Government in December 1997. During the periods of violence, all of those involved—indigenous tribes, settlers, and security forces—accused each other of human rights violations.

The terms of the 1997 pact provided for a strong local government, consisting of mostly tribal representatives, including the chairperson; reduction of the military presence in the CHT region; and a substantial compensation package for displaced tribal families. Under the pact, the Government established a Land Commission to deal with land disputes between Bengalis and tribals. However, until July there was no legal basis for the Commission and, according to the Peace Accord, the Commis-

sion's verdict was to be final; appeal would not be possible. However, tribal leaders continued to express disappointment in the lack of progress in providing assistance to tribals who left the area during the insurgency. The Government also formed a Regional Council to improve the region's infrastructure and promote economic development. The Council was formed largely as a coordinating body, and Larma, who chairs the Council, claims that it has neither the mandate nor the resources promised. The Government claims that it has reduced the number of army camps in the Chittagong Hill Tracts from 500 to 430; Shantu Larma claims that only 31 such camps have been closed. The Accord also provided that only "permanent residents" of the Chittagong Hill Tracts would be allowed to vote. According to Shantu Larma, approximately 700,000 indigenous people and 100,000 Bengalis are "permanent residents." He claims that approximately 500,000 persons, whose names are on the voter list, are nonpermanent residents, including 100,000 government employees and security personnel, and that these persons should not be permitted to vote in the region. Government leaders counter that voting is a fundamental right and that citizens cannot be disenfranchised from the election process. The constitutionality of the provision is unclear.

Shantu Larma recently formed an organization comprising 90 representatives from different tribal groups. Larma stated that the various indigenous groups have been pressing for their rights separately, but the mission of this new organization, the Adibashi Adhikar Forum (Indigenous Peoples' Rights Forum), will be to press for those rights collectively.

Some tribal people oppose the Peace Accord signed by Shantu Larma's group, and continue to demand full autonomy for the CHT tribals. They have formed a group called the United People's Democratic Front (UPDF), and on several occasions armed clashes between the UPDF and members of the Chittagong Hill Tracts People's Solidarity Society (PCJSS) resulted in deaths and injuries.

On February 16, three foreign engineers were abducted at gunpoint from a road in Rangamati District in the Chittagong Hill Tracts. After their safe and peaceful release on March 17, one of the hostages told a newspaper reporter that one of his abductors had confided that the motive was not political but rather, they wanted money "for the welfare of Chakma people."

On June 23, a Bengali truck driver in Khagrachhari District in the Chittagong Hill Tracts was murdered. Bengalis formed a procession to protest the murder and to demand action against those responsible. A bomb exploded during the procession. Clashes between Bengalis and tribals ensued, injuring 18 persons, including 1 policeman. Bengalis later set fire to more than 100 houses belonging to tribals. The Government imposed provisions of the Penal Code, which permit arrest for unlawful assembly that threaten the public safety. Police arrested 6 tribals in connection with the murder of the truck driver, and 15 others for arson.

Alfred Soren, a leader of the Santal tribe in the northern part of the country, was killed and dozens of others were injured in an attack in August 2000. According to one human rights organization, the perpetrators of the attack were Bengalis who were angry with the tribals over a land dispute. Ninety-one persons were accused of involvement in the attack, but only four were arrested. On February 9, the Government paid \$926 (50,000 taka) in compensation to Soren's family and \$185 (10,000 taka) to each of the families of 9 injured persons. Court proceedings continued during the year.

Tribal people in other areas also have reported problems of loss of land to Bengali Muslims through questionable legal practices and other means. The Garos of the Modhupur forest region in the north-central part of the country continue to face problems in maintaining their cultural traditions and livelihoods in the face of deforestation and encroachment by surrounding Bengali communities. The pressure on the Garo community has resulted in greater migration to urban areas and to the Indian state of Meghalaya, threatening the existence of an already small community estimated at only 16,000 persons. The Government had indicated in 1995 that it would establish a national park of 400 acres in the Mymensingh district. Part of the land would be taken from the Garo tribals. After vocal protests, the Government put the proposal on hold.

On Easter Sunday, the Forestry Department inaugurated an eco-park on the lands of the predominantly Christian Khasi tribals in Moulavibazar. Although indigenous Khasis have been living on these lands for generations, the Government does not recognize their claims of ownership. The Government claims ownership of the land and states that the Khasis are occupying it illegally.

On April 4, 1 person died and 10 were injured in a clash between Khasis and Bengalis in a land dispute in Moulavibazar. On April 13, a group of 50 to 60 Bengalis led by a former union council member attacked a Khasi village. Fifty persons were injured.

Religious Minorities.—Hindus, Christians, and Buddhists constitute approximately 12 percent of the population.

The South Asian Coalition Against Fundamentalism, a leading South Asian human rights group, stated that it had documented widespread atrocities committed by Muslim radicals against Hindus. Muslim supporters of the BNP reportedly prevented many Hindus from voting in the parliamentary elections in October as they are considered to be supporters of the Awami League. Other actions included the rape, torture, murder, and looting of Hindus, forcing them to flee their villages. The organization also claimed that Muslim extremist groups were attempting to force Hindus into India in an attempt to make the country a purely Islamic state. The BNP admitted that there was some truth to the allegations, but dismissed reports of widespread attacks as exaggerated. The Home Minister was unable to confirm reports that Hindus had fled the country and insisted that there was no link between religion and the violence. He also dismissed allegations that the BNP was linked to the perpetrators. The Government decided to set up a special Secretaries' committee to investigate the harassment of Hindus.

On November 16, Principal Gopal Krishna Mahuri of Nazirhat College in Chittagong was shot dead by unidentified assailants. Following the murder, Hindus staged a violent demonstration, protesting that Mahuri was killed because he was a Hindu. Mahuri's family stated that he was unpopular with the Jammal-I-Islami party as he refused it and other political parties access to the college's campus. It is unclear whether the murder was connected to the persecution of Hindus since the election. Two professors at the same college were arrested in connection with the murder.

Local gang leaders sometimes attack religious minorities, perceiving them to be weak and vulnerable. The Government sometimes has failed to criticize, investigate, and prosecute the perpetrators of these attacks. In the past, the Ahmadiyas, whom many mainstream Muslims consider heretical, have been the target of attacks and harassment. An Ahmadiya mosque in Kushtia which mainstream Muslims captured in 1999 remains under police control, preventing Ahmadiyas from worshipping. In October 1999, a bomb killed 6 Ahmadiyas and injured more than 40 others who were attending Friday prayers at their mosque in Khulna; the case remained unresolved at year's end.

On June 3, in Baniachar, Gopalganj district, a bomb exploded inside a Catholic church during Sunday mass, killing 10 persons and injuring 20 others. The army arrived to investigate approximately 10 hours after the blast. The bomb, which the army concluded was produced outside of the country, had been placed just inside a side door in a jute bag. Police detained various persons for questioning, but as of year's end, no progress had been made on the case.

On December 29, the BNP formed a judicial commission to investigate "religiously motivated" bombing incidents that occurred during the Awami League Government period.

Religious minorities are disadvantaged in practice in such areas as access to government jobs and political office. Selection boards in the government services often lack minority group representation.

However, schools and universities tend to give preference to Hindus when hiring teachers and professors. Some Hindus report that Muslims tend to favor Hindus in some other professions as well, such as doctors, lawyers, and accountants. They attribute this to the education that the British offered 150 years ago, which Muslims boycotted but Hindus embraced. In recent decades, Muslims have put more of an emphasis on education, particularly the education of girls.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to join unions and—with government approval—the right to form a union. The total work force is approximately 58 million persons, of whom 1.8 million belong to unions, most of which are affiliated with the various political parties. There are no reliable labor statistics for the large unreported informal sector, in which the vast majority of citizens work.

Thirty percent workplace participation in the union is required for a union to obtain and maintain its registration. Moreover, would-be unionists technically are forbidden to engage in many activities prior to registration, and legally are not protected from employer retaliation during this period. Labor activists have protested that this requirement severely restricts workers' freedom to organize, particularly in small enterprises and the private sector, and the ILO has requested the Government to amend the 30 percent provision on the same grounds. The ILO also has requested the Government to amend legislative provisions that bar registration of a union that is composed of workers from different workplaces owned by different

employers. An estimated 15 percent of the approximately 5,450 labor unions are affiliated with 25 officially registered National Trade Union (NTU) centers. There also are several unregistered NTU's.

With the exception of workers in the railway, postal, telegraph, and telephone departments, civil servants, police, and military personnel are forbidden to join unions in large part because of the highly political nature of those unions. Many civil servants who are forbidden to join unions, such as teachers and nurses, have formed associations that perform functions similar to labor unions, that is, providing for members' welfare, offering legal services, and airing grievances. However, collective bargaining is prohibited. Some workers have formed unregistered unions, particularly university employees and workers in the construction and transport (both public and private) industries.

In 1999 the ILO Committee of Experts stated that the Government's rejections of several applications for registration by trade unions in the textile, metal, and garment sectors were unjustified. The Ministry of Labor contends that these cases lacked the necessary documentation.

The right to strike is not recognized specifically in the law, but strikes are a common form of workers' protest. In addition political opposition parties use general strikes to pressure the Government to meet political demands (see Section 2.b.). Workers at Chittagong port, the country's major harbor, conducted several work stoppages to protest a proposed new private container port. Some employees organized in professional associations or unregistered unions also went on strike during the year. Wildcat strikes are illegal but frequently occur, with varying government responses. Wildcat strikes in the transportation sector are particularly common.

The Essential Services Ordinance permits the Government to bar strikes for 3 months in any sector that it declares essential. During the year, the Government applied this ban on strikes to the Power Development Board and the Dhaka Electric Supply Authority. In the past, the Government has applied this ban to national airline pilots, water supply workers, and shipping employees. The ban may be renewed for 3-month periods. The Government is empowered to prohibit a strike or lockout at any time before or after the strike or lockout begins and to refer the dispute to the Labor Court. Mechanisms for conciliation, arbitration, and labor court dispute resolution were established under the Industrial Relations Ordinance. Workers have the right to strike in the event of a failure to settle. If a strike lasts 30 days or longer, the Government may prohibit the strike and refer the dispute to the Labor Court for adjudication, although this has not happened in recent years. The ILO has criticized the provisions of the Industrial Relations Ordinance that require three-quarters of a worker's organization to consent to a strike and that grant the Government authority to prohibit a strike at any time if it is considered prejudicial to the national interest or if it involves a public utility service.

There are no legal restrictions on political activities by labor unions, although the calling of nationwide hartals or transportation blockades by unions is considered a criminal rather than a political act and thus is forbidden.

While unions are not part of the government structure, they are highly politicized, and are strongest in state-owned enterprises and in institutions like the government-run port in Chittagong. Virtually all the NTU centers are affiliated with political parties. Some unions engage in intimidation and vandalism. Illegal blockades of public transportation routes by strikers frequently occurred during the year. Pitched battles between members of rival labor unions are not uncommon. Fighting often is over the control of rackets or extortion payoffs and typically involves knives, guns, and homemade bombs.

Workers are eligible for membership on their union's executive staff, the size of which is set by law in proportion to the number of union members. The Registrar of Trade Unions may cancel registration of a union with the concurrence of the Labor Court, but no such actions were known to have been taken place during the year.

There are provisions in the Industrial Relations Ordinance for the immunity of registered unions or union officers from civil liability. Enforcement of these provisions is uneven. In past illegal work actions, such as transportation blockades, police officers have arrested union members under the SPA or regular criminal codes.

There are no restrictions on affiliation with international labor organizations, and unions and federations maintain a variety of such links. Trade unionists are required to obtain government clearance to travel to ILO meetings, but there were no reports that clearances were denied during the year.

b. The Right to Organize and Bargain Collectively.—Under the Industrial Relations Ordinance, there is considerable leeway for discrimination against union members and organizers by employers. For example, the ordinance allows the arbitrary transfer of workers suspected of union activities or termination with payment of

mandatory severance benefits (2 weeks' salary). In practice private sector employers usually discourage any union activity, sometimes working in collaboration with local police.

The Registrar of Trade Unions rules on discrimination complaints. In a number of cases, the Labor Court has ordered the reinstatement of workers fired for union activities. However, the Labor Court's overall effectiveness is hampered by a serious case backlog, and in the past there have been allegations that employers have corrupted some of its deliberations.

Collective bargaining by workers is legal on the condition that they be represented by unions legally registered as collective bargaining agents by the Registrar of Trade Unions. Labor unions are affiliated with the various political parties; therefore, each industry generally has more than one labor union (one or more for each political party). To engage in collective bargaining, each union must nominate representatives to a Collective Bargaining Authority (CBA) committee, which the Registrar of Trade Unions must approve after reviewing the selection process. Collective bargaining occurs on occasion in large private enterprises such as pharmaceuticals, jute, or textiles but, because of high unemployment, workers may forgo collective bargaining due to concerns over job security. Collective bargaining in small private enterprises generally does not occur. The International Confederation of Free Trade Unions (ICFTU) has criticized the country for what it views as legal impediments that hamper such bargaining.

Public sector workers' pay levels and other benefits are set by the National Pay and Wages Commission, whose recommendations are binding and may not be disputed except on the issue of implementation.

In June 1999, the ILO received a complaint from the Bangladesh Agricultural Farm Labor Federation that the Government had not introduced legislation that would extend the protections of the Industrial Relations Ordinance to a greater number of agricultural workers. In July the ILO sponsored a seminar to raise awareness about agricultural laborers. Officials from various ministries, including the Ministry of Labor, attended. Farm laborers, such as those employed in the aquaculture sector (shrimp hatchery, harvesting and processing) are covered by the labor law and can form trade unions. However, most agricultural laborers are migrant workers, and thus are not employed by any particular individual or group. The Government had not taken steps to extend labor laws to cover these migrant workers.

The country's five EPZ's, of which three are operational, are exempt from the application of the Employment of Labor (Standing Orders) Act, the Industrial Relations Ordinance, and the Factories Act. Among other provisions, these laws establish the freedom of association and the right to bargain collectively, and set forth wage and hour and occupational safety and health standards. While substitutes for some of the provisions of these laws have been implemented through EPZ regulations, which the Bangladesh EPZ Authority is charged with enforcing, professional and industry-based unions are prohibited in the zones. A small number of workers in the EPZs skirted prohibitions on forming unions by setting up associations. The Bangladesh Export Processing Zone Authority (BEPZA) reported that workers have selected representatives for workers' welfare committees and dispute resolution tribunals EPZ's that are designed to give workers and managers more experience in resolving workplace disputes. The Government pledged in 2000 to apply all sections of the labor law to the EPZ's by January 1, 2004. However, the Government made a similar pledge in 1992 (under which the labor laws were to apply to the EPZ's by 2000), which it did not honor. Approximately 93,000 persons are employed in EPZ's, primarily in the textile and apparel, electronics component, and leather industries. During the year, the EPZ's experienced several strikes, some of which turned violent.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, including that performed by children; however, the Government does not enforce this prohibition effectively. The Factories Act and Shops and Establishments Act establish inspection mechanisms to enforce laws against forced labor; however, these laws are not enforced rigorously, partly because resources for enforcement are scarce. There is no large-scale bonded or forced labor; however, numerous domestic servants, including many children, work in conditions that resemble servitude and many suffer physical abuse, sometimes resulting in death. Between January and August, newspapers reported the “unnatural deaths” of 12 domestic servants, including one who was only 11 years old. Newspapers also reported 5 separate cases of children being tortured by their domestic employers; in one case a 10-year-old girl allegedly was beaten until she lost consciousness. In the past, the Government has brought criminal charges against employers who abuse domestic servants; however, many impoverished families settle for financial compensation. There is extensive trafficking in both women and children, mainly for purposes of

prostitution, although in some instances for labor servitude outside of the country (see Section 6.f.).

In 2000 the ILO noted that certain provisions of the Penal Code, the Special Powers Act, the Industrial Relations Ordinance, the Control of Employment Ordinance, among other laws, allow for the imposition of forced labor as punishment for expressing political views or views opposed to the established political system; as a punishment for various breaches of labor discipline; and as punishment for participating in strikes in a wide range of circumstances. For example, sentences of up to 14 years of forced labor can be imposed for offenses such as "obstruction of transport," a commonly used tactic in strikes. In addition, under the Bangladesh Merchant Shipping Ordinance, seafarers may be forcibly conveyed on board ship to perform their duties. However, in practice these provisions are not known to be used.

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no law that uniformly prohibits the employment of children, and child labor is a serious problem. Some laws prohibit labor by children in certain sectors. The Factories Act bars children under the age of 14 from working in factories. This law also stipulates that children and adolescents are allowed to work only a maximum 5-hour day and only between the hours of 7 a.m. and 7 p.m. The Shops and Establishments Act prohibits the employment of children younger than the age of 12 in commercial workplaces. The Employment of Children Act prohibits the employment of children under the age of 15 in the railways or in goods' handling within ports.

Because of widespread poverty, many children begin to work at a very young age. The Government estimates that approximately 6.6 million children between the ages of 5 and 14 years work. Working children were found engaged in 200 different types of activities, of which 49 were regarded as harmful to children's physical and mental wellbeing. Sometimes children are seriously injured or killed in workplaces. For example, according to press reports an 11-year-old domestic servant was the victim of an "unnatural death," and one 10-year-old domestic servant was reportedly beaten by her employer until she lost consciousness. A November 2000 garment factory fire resulted in the death of 10 child workers. Children often work alongside other family members in small-scale and subsistence agriculture. Hours usually are long, the pay usually is low, and the conditions sometimes are hazardous. Children drive rickshaws, break bricks at construction sites, carry fruit, vegetables, and dry goods for shoppers at markets, work at tea stalls, and work as beachcombers in the shrimp industry. Many children work in the beedi (hand-rolled cigarette) industry, and children under 18 years old sometimes work in hazardous circumstances in the leather industry. Children routinely perform domestic work. In the past, the Government has brought criminal charges against employers who abuse domestic servants. Some children are trafficked domestically or overseas, often for prostitution, and child prostitution is a serious problem (see Sections 5 and 6.f.). Under the law, every child must attend school through the fifth grade, or the age of 10 years. However, there is no effective mechanism to enforce this provision.

There is virtually no child labor law enforcement outside of the export garment sector. Penalties issued by the Ministry of Labor for child labor violations are nominal fines ranging from \$4 to \$10 (228 to 570 taka). The Ministry of Labor has fewer than 110 inspectors to monitor 180,000 registered factories and establishments. These inspectors are charged with enforcing labor laws pertaining to more than 1.5 million workers. Most child workers are employed in agriculture and other informal sectors, where no government oversight occurs.

The Bangladesh Garment Manufacturers' and Exporters Association (BGMEA) inspects member factories to eliminate child labor in the garment sector. Among 3,300 garment factories inspected, the team found 531 member factories employing a total of 1,278 children. The BGMEA fined each factory \$100 (5,700 taka). Former child employees are also offered a small monthly stipend to help replace their lost income while attending UNICEF-sponsored schools.

In cooperation with the Non-Formal Education Directorate of the Government and some NGO partners, UNICEF is implementing a "hard-to-reach" program to provide education to 350,000 (primarily working) children in urban slum areas around the country. Working with the Government, NGO's, and some trade unions, ILO/IPEC (International Program for the Elimination of Child Labor) has 20 action programs, targeting approximately 6,000 children working in hazardous conditions, designed to ensure that children receive an education, rather than removing children from work. The largest ILO project focuses on children working in hazardous occupations, ranging from exposure to chemicals and other harmful substances to long tedious working hours. The first phase of the project, which involves a 2-month survey to identify children, their employers, and their families, began on August 22. Aiming to remove approximately 30,000 children from hazardous occupations and to prevent another 15,000 younger siblings from taking their position in the labor market, the

project focuses on the beedi industry, the construction sector, leather tanneries, match factories, and the domestic work sector.

In March the Government ratified ILO Convention 182 on the elimination of the worst forms of child labor. The Government did not grant the Ministry of Labor additional resources to enforce its commitment as a member of the South Asian Association for Regional Cooperation to eliminate hazardous child labor by 2000, and to eliminate all child labor by 2010; the existing small corps of labor inspectors continues to be ineffective against all labor problems because of inefficiency and corruption.

The Constitution prohibits forced or compulsory labor, including that performed by children; however, the Government does not enforce this prohibition effectively, and some children work as domestic servants in conditions that resemble labor servitude or are trafficked for the purpose of prostitution (see Sections 6.c. and 6.f.). There were credible reports that police facilitated or were involved in trafficking of women and children.

e. Acceptable Conditions of Work.—There is no national minimum wage. Instead the Wage Commission, which convenes every several years, sets wages and benefits industry by industry, using a range based on skill level. In most cases, private sector employers ignore this wage structure. For example, in the garment industry, many factories do not pay legal minimum wages, and it is common for workers of smaller factories to experience delays in receiving their pay, or to receive “trainee” wages well past the maximum 3 months. Wages in the EPZs are generally higher than outside the zones. The declared minimum monthly wage for a skilled industrial worker is approximately \$63 (3,400 taka) for a worker in an EPZ and approximately \$49 (2,650 taka) for a worker outside an EPZ, and is sufficient to provide an individual with a minimal standard of living, but is not sufficient to provide a decent standard of living for a worker and family.

The law sets a standard 48-hour workweek with 1 day off mandated. A 60-hour workweek, inclusive of a maximum 12 hours of overtime, is allowed. The law is enforced poorly in industries such as hosiery and ready-made garments.

The Factories Act nominally sets occupational health and safety standards. The law is comprehensive but largely is ignored by employers. For example, there are many fire safety violations in the garment industry. Many factories are located in structures that were not designed adequately for industrial use, nor for the easy evacuation of large work forces. In November 2000, 48 garment workers, including 10 children, were killed and more than 100 persons were injured when they were unable to escape from a factory fire due to locked exits. On August 8, 18 garment workers were trampled to death because an exit gate jammed as they were fleeing a factory after a fire alarm. In addition numerous factories have insufficient toilet facilities (for example, 1 toilet for 300 employees). Workers may resort to legal action for enforcement of the law’s provisions, but few cases actually are prosecuted. Enforcement by the Labor Ministry’s industrial inspectors is weak, due both to the low number of labor inspectors, and to endemic corruption and inefficiency among inspectors. Due to a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to participate in perceived dangerous activities risk losing their jobs.

f. Trafficking in Persons.—The law prohibits trafficking in persons and trafficking is a serious problem. There is extensive trafficking in both women and children, primarily to India, Pakistan, and destinations within the country, mainly for the purpose of prostitution, although in some instances for labor servitude. Some children also are trafficked to the Middle East to be used as camel jockeys.

The exact number of women and children trafficked for purposes of prostitution is unknown; however, human rights monitors estimate that more than 20,000 women and children are trafficked from the country for such purposes annually. Most trafficked persons are lured by promises of good jobs or marriage, and some are forced into involuntary servitude outside of the country. Seeing no alternative for breaking the cycle of poverty, parents sometimes willingly send their children away. Unwed mothers, orphans, and others outside of the normal family support system also are susceptible. Traffickers living abroad often arrive in a village and “marry” a woman, only to dispose of her upon arrival in the destination country, where women are sold by their new “friends” or “husbands” into bonded labor, menial jobs, or prostitution. Criminal gangs conduct some of the trafficking in persons. The border with India is loosely controlled, especially around Jessore and Benapole, making illegal border crossings easy.

The number of child prostitutes is difficult to determine. Prostitution is legal, but only for those persons over 18 years of age with government certification; however, this minimum age requirement commonly is ignored by authorities, and is cir-

cumvented easily by false statements of age. Procurers of minors rarely are prosecuted, and large numbers of child prostitutes work in brothels.

Children, usually young boys, also are trafficked into the Middle East and the Persian Gulf States to work as camel jockeys. It is estimated that there are anywhere from 100 to more than 1,000 underage South Asian camel jockeys working in the United Arab Emirates alone; while many come from India and Pakistan, a growing number come from Bangladesh. Criminal gangs procure most of the youths. The majority of such children work with the knowledge of their parents, who receive as much as \$200 (10,000 taka) for their child's labor, although a significant minority simply are kidnaped. The gangs bringing the jockeys earn approximately \$150 (7,500 taka) per month from the labor of each child. The usual procedure used for bringing these children into the Middle East is to add their names to the passport of a Bangladeshi or Indian woman who already has a visa for the Middle East; the children fraudulently are claimed to be her children. During the year, police made arrests in several incidents for trafficking in young boys to the Middle East, at year's end these cases were pending before the courts.

Trafficking in women for purposes of prostitution carries a sentence varying from 10 years in prison to the death penalty. Trafficking in children for immoral or illegal purposes carries the death penalty or life imprisonment. However, few perpetrators are punished. Human rights monitors also credibly report that police and local government officials often ignore trafficking in women and children for prostitution, and easily are bribed to look the other way (see Sections 1.c., 5, and 6.c.). According to one antitrafficking organization, 28 persons were arrested for trafficking between January and June. One person was convicted during the year. The number of persons arrested for trafficking is difficult to obtain as charges against traffickers usually are for lesser crimes, such as crossing borders without proper documents.

The Government has developed a set of policies and plans regarding the trafficking issue, and has initiated a program across a number of ministries to address the problem. However, government capacity to address this issue remains limited.

In June 2000, the Government signed a 3-year, \$2 million (108 million taka) project with the Norwegian government aid organization, NORAD, to develop an interministerial infrastructure for addressing the trafficking problem. This project, based in the Department of Women and Children's Affairs, is intended to be the focal point for addressing the prosecution, protection, and prevention activities carried out by the Government. A goal of the project is for the Government to become more involved in arresting and prosecuting traffickers. However, because the Government does not keep records of births and marriages at the village level, it is very difficult for authorities to detect false claims of marriage or family ties.

The Government also has worked with NGO's, donor countries, and international organizations against trafficking. Some of these projects include conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs. While the Government provides support for returning trafficking victims, government-run shelters generally are inadequate and poorly run. Increasing shelter capacity and rehabilitation programs is one of the features of the NORAD project.

Throughout the country, a variety of NGO's and community-based organizations are working on the trafficking problem through prevention efforts, research, data collection, documentation, advocacy, awareness creation and networking, crossborder collaboration, legal enforcement, rescue, rehabilitation, reintegration, income generation and low-interest loan programs, vocational training, and legislative reform.

Action Against Trafficking and Sexual Exploitation of Children (ATSEC), a national antitrafficking network, recently began to implement several antitrafficking activities; including linking NGO's and Government entities into a strong partnership, establishing a focal point for moving the national anti-trafficking agenda forward, establishing a resource center to disseminate data on the subject, and providing technical support to grassroots organizations. In addition, the ATSEC is developing culturally sensitive prevention and awareness messages that will reach persons at the community level. The program plans to develop and test materials for a national campaign using all media, to implement such a campaign, to conduct awareness-raising workshops and meetings at all levels, to launch school programs, to establish a mobile campaign throughout the country, and to launch an advertising campaign in border areas. Other NGO's have been active in addressing the problem, such as the Association for Community Development, which conducted a study on trafficking issues and conducted workshops and outreach programs aimed at reaching potential victims of trafficking before they are trafficked. The Bangladesh National Women Lawyer's Association (BNWLA) conducts awareness programs aimed at alerting poor persons to the dangers of trafficking through leaflets, stickers, and posters. The BNWLA also provides legal assistance to trafficking vic-

tims, and initiates legal action against traffickers. The BNWLA runs a shelter home for trafficked women and children that provides health care, counseling, and training. The Center for Women and Children (CWCS) has networks to monitor trafficking across the country, conducts awareness meetings, and has a pilot project to make police aware of the rights of women and children. Awareness of trafficking is increasing, and the topic receives frequent press coverage. Two umbrella organizations of antitrafficking NGO's exist; they seek to improve coordination and planning of efforts against the problem.

BHUTAN

Bhutan is ruled by a hereditary monarch, King Jigme Singye Wangchuk, who governs with the support of a National Assembly and a Council of Ministers. There is no written constitution to protect fundamental political and human rights. Since ascending the throne in 1972, the King has continued the efforts toward social and political modernization begun by his father. In the last few years, Bhutan has improved rapidly services in education, health care, sanitation, and communications, with parallel but slower development of representative governance and decision-making. In recent years, Bhutan has adopted some measures to increase the power of the National Assembly. The judiciary is not independent of the King.

The Royal Bhutan Police (RBP), assisted by the Royal Bhutan Army (including those assigned to the Royal Body Guard), and a national militia maintain internal security. Some members of these forces committed human rights abuses.

The economy is based on agriculture and forestry, which provide the main livelihood for 90 percent of the population and account for approximately half of the gross domestic product (GDP). The gross national product (GNP) per capita is estimated to be \$600. Agriculture largely consists of subsistence farming and animal husbandry. Citrus fruit, cardamom, and other spices are the leading agricultural exports. Cement and electricity are the other important exports. Strong trade and monetary ties link the economy closely to that of India. Hydroelectric power production potential and tourism are key resources, although the Government limits tourism because of inadequate infrastructure and environmental and cultural concerns. Tourist arrivals also are limited by a requirement that tourists purchase a high minimum daily rate holiday package before visiting the country.

The Government's human rights record remained poor, and problems remain in several areas. Citizens do not have the right to change their government. The King exercises strong, active, and direct power over the Government. The Government discourages political parties, and none operate legally. Arbitrary arrest and detention remain problems, and reports continue of torture and abuse of detainees. Impunity for those who commit abuses also is a problem. Judges serve at the King's pleasure, and the Government limits significantly the right to a fair trial. In April 2000, the Government established the Department of Legal Affairs as a result of a review of the Basic Law. Programs to build a body of written law and to train lawyers are progressing. The Government limits significantly citizens' right to privacy. The Government restricts freedom of speech, press, assembly, and association. Citizens face significant limitations on freedom of religion. Approximately two-thirds of the government-declared population of 600,000 persons is composed of Buddhists with cultural traditions akin to those of Tibet. The Buddhist majority consists of two principal ethnic and linguistic groups: The Ngalongs of the western part of the country and the Sharchops of the eastern part of the country. The remaining third of the population, ethnic Nepalese, most of whom are Hindus, live in the country's southern districts. Government efforts to institute policies designed to preserve the cultural dominance of the Ngalong ethnic group, to change citizenship requirements, and to control illegal immigration resulted in political protests, ethnic conflict, and repression of ethnic Nepalese in southern districts during the late 1980's and early 1990's. Tens of thousands of ethnic Nepalese left the country in 1991-92, many of whom were expelled forcibly. According to the U.N. High Commissioner for Refugees (UNHCR), as of mid-June 2000, 98,269 ethnic Nepalese remained in 7 refugee camps in eastern Nepal; upwards of 15,000 reside outside of the camps in the Indian states of Assam and West Bengal. The Government maintains that some of those in the camps never were citizens, and therefore have no right to return. In 1998 the Government began resettling Buddhist Bhutanese from other regions of the country on land in southern districts vacated by the ethnic Nepalese living in refugee camps in Nepal, which is likely to complicate any future return of the ethnic Nepalese.

The Government continues its negotiation with the Government of Nepal on procedures for the screening and repatriation of ethnic Nepalese in the refugee camps. A ministerial-level bilateral meeting in November failed to resolve disputes concerning the categorization of refugees in terms of eligibility for their eventual repatriation. The Government restricts worker rights.

The Government claims that it has prosecuted government personnel for unspecified abuses committed in the early 1990's; however, there is little indication that the Government has investigated adequately or punished any security force officials involved in torture, rape, and other abuses committed against ethnic Nepalese residents.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary and Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivations of life committed by the Government or its agents.

Domestic human rights groups allege that the Government has taken no action to punish a government official for the 1998 killing of Buddhist monk Gomchen Karma. The Government stated that the shooting was accidental, that the official responsible has been suspended from duty and charged in connection with the incident, and that his case was being heard as of September 2000.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and abuse; however, human rights advocates state that in practice the security forces ignore these provisions. No one was prosecuted in connection with violating prohibitions against torture during the year. In 1999 and 2000 there were reports that security forces stopped ethnic Nepalese refugees attempting to return to the country, beat them or tortured them, and sent them back across the border. Refugee groups state that this has discouraged others from trying to return to the country.

Refugee groups credibly claim that persons detained as suspected dissidents in the early 1990's were tortured and/or raped by security forces. During those years, the Government's ethnic policies and the crackdown on ethnic Nepalese political agitation created a climate of impunity in which the Government tacitly condoned the physical abuse of ethnic Nepalese. The Government denies that these abuses occurred but also claims that it has investigated and prosecuted three government officials for unspecified abuses of authority during that period. Details of these cases have not been made public.

Prison conditions reportedly are adequate, if austere. Visits by the International Committee of the Red Cross (ICRC) and the opening of a new prison in Thimphu (in 1994) contributed to improving conditions of detention. However, human rights groups active outside the country maintain that prison conditions outside of the capital city of Thimphu remain oppressive.

The Government and the ICRC signed a new Memorandum of Understanding in September 1998, extending the ICRC prison visits program for another 5 years. The ICRC conducted two prison visits during the year, as it has done for each of the past 7 years, and was allowed unhindered access.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remain problems. Under the law, police may not arrest a person without a warrant and must bring an arrested person before a court within 24 hours, exclusive of travel time from place of arrest. However, legal protections are incomplete, due to the lack of a fully developed criminal procedure code and to deficiencies in police training and practice. Incommunicado detention, particularly of Nepalese refugees returning without authorization, is still known to occur. Incommunicado detention of suspected militants was a serious problem in the early 1990's, but the initiation of ICRC prison visits and the establishment of an ICRC mail service between detainees and family members has helped to allay this problem. Of those detained in connection with political dissidence and violence in southern areas in 1991–92, 29 continue to serve sentences after conviction by the High Court.

On May 6, Damber Pulami, a refugee living in a camp in Nepal, was arrested in the country. Pulami reportedly was a member of the Youth Organization of Bhutan (the youth wing of the banned Bhutan People's Party) and had gone to the country to check on the internal resettlement of non-Nepalese to the south. Amnesty International (AI) has not received a response to queries about the charges against him, his whereabouts, and his physical condition, although according to one human rights group Pulami is in Chengang Jail in Thimphu. According to AI, Tul Man Tamang, a 30-year-old construction worker was arrested in June on suspicion of organizing political activities. He reportedly was taken to a police station at

Chimakothi in Chhukha district where he allegedly was tortured, held incommunicado in a dark cell, and forced to sign a statement saying he was leaving the country voluntarily before being forcibly exiled to India. Ugyen Tenzing, a member of the Druk-Yul Peoples' Democratic Party, reportedly was arrested in Samtse district in June. N.L. Katwal, a central committee member of the Bhutan Gorkha National Liberation Front, was one of more than 55 persons arrested during a demonstration in Phuntsholing in April 2000. In December 2000 he was sentenced to 13 years and 6 months in prison. He was serving his sentence in Chamgang Jail at year's end.

Rongthong Kunley Dorji, former leader of the Druk National Congress (DNC) and United Front for Democracy in Bhutan (UFD), was arrested in India in April 1997, following the issuance of an extradition request by Bhutanese authorities. Human rights groups contend that the charges brought against Dorji by the Bhutanese government are motivated politically and constitute an attempt by the Government to suppress his prodemocracy activities. In June 1998, an Indian court released Dorji on bail but placed restrictions on his movements. Dorji's extradition case still is pending in the Indian courts and is proceeding slowly. According to a refugee-based human rights group, only one prosecution witness, a Joint Secretary in India's Ministry of External Affairs, has been cross-examined in the last 40 months. The next witness, another Indian government official, is scheduled to testify in February 2002.

In the past, according to AI, many persons have been detained on suspicion of being members or supporters of the DNC. Only one such arrest was reported in 2000 and one during the year, but human rights groups allege that arrest and abuse of refugees returning to the country without authorization continue to occur but go unreported by the Government. There were no peaceful protest marches from India to Bhutan during the year, perhaps due to fear of arrests and deportation, as occurred in previous years after such marches. Persons holding peaceful marches from India to Bhutan charge that in 1999 the Bhutanese police assaulted them, injuring several demonstrators, and then arrested and deported all of the marchers to Nepal (see Section 5). By one estimate, approximately 100 marchers were arrested and deported in 1999. The Government acknowledged that 58 persons whom it described as terrorists were serving sentences at the end of 1998 for crimes including rape, murder, and robbery.

Although the Government does not use exile formally as punishment, many accused political dissidents freed under Government amnesties state that they were released on the condition that they depart the country. Many of them subsequently registered at refugee camps in Nepal. The Government denies this.

e. Denial of Fair Public Trial.—There is no written constitution, and the judiciary is not independent of the King.

The judicial system consists of district courts and a High Court in Thimphu. Judges are appointed by the King on the recommendation of the Chief Justice and may be removed by the King. Village headmen adjudicate minor offenses and administrative matters.

An Office of Legal Affairs (OLA) was established in March 2000. The responsibilities of the OLA are to conduct state prosecutions, draft and review legislation, and render legal counsel. By September a department head and all staff were in place. The OLA is composed of a Legal Services Division (which eventually is to become the Ministry of Law and Justice) with domestic, international, and human rights sections; and a Prosecution Division (which eventually is to become the Attorney General's office), with a criminal section and a civil section.

Criminal cases and a variety of civil matters are adjudicated under a legal code established in the 17th century and revised in 1958 and 1965. State-appointed prosecutors file charges and prosecute cases for offenses against the State. In other cases, the relevant organizations and departments of government file charges and conduct the prosecution. Defendants are supposed to be presented with written charges in languages that they understand and given time to prepare their own defense. However, according to some political dissidents this practice is not always followed. In cases where defendants cannot write their own defense, courts assign judicial officers to assist defendants. There were reports that defendants receive legal representation at trial, and that they may choose from a list of 150 government-licensed and employed advocates to assist with their defense; however, it is not known how many defendants actually receive such assistance. A legal education program gradually is building a body of persons who have received formal training abroad in the law. For example, the Government sends many lawyers to India and other countries for legal training; 54 persons have completed legal studies abroad, and 43 more are enrolled. Village headmen, who have the power to arbitrate disputes, constitute the bottom rung of the judicial system. Magistrates, each with responsibility for a block of villages, can review their decisions. Magistrates' decisions

can be appealed to district judges, of which there is one for each of the country's 20 districts. The High Court in Thimphu is the country's supreme court.

Defendants have the right to appeal to the High Court and may make a final appeal to the King, who traditionally delegates the decision to the Royal Advisory Council. Trials are supposed to be conducted in open hearings, but there are allegations that this is not always the case in practice.

Questions of family law, such as marriage, divorce, and adoption, traditionally are resolved according to a citizen's religion: Buddhist tradition for the majority of the population and Hindu tradition for the ethnic Nepalese. Nonetheless the Government states that there is one formal law that governs these matters.

Some or all of the approximately 75 prisoners serving sentences for offenses related to political dissidence or violence, primarily by ethnic Nepalese during 1991–92, may be political prisoners (see Section 1.e.).

On December 17, 1999, the King pardoned 200 prisoners to mark National Day; all reportedly were released. Among them were 40 persons convicted of "antinational" offenses, including Tek Nath Rizal, a prominent ethnic Nepalese dissident, and internationally recognized political prisoner. He was convicted in 1992 of "antinational" crimes, including writing and distributing political pamphlets and attending political meetings. In 2000 Rizal was granted permission to leave the country to receive medical treatment in India. He has since returned to the country. According to AI, property confiscated from Rizal during his arrest has not been restored to him.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—There are no laws providing for these rights. According to human rights groups, police regularly conduct house-to-house searches for suspected dissidents without explanation or legal justification. The Government requires all citizens, including minorities, to wear the traditional dress of the Buddhist majority when visiting Buddhist religious buildings, monasteries, or government offices; in schools, and when attending official functions and public ceremonies.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government restricts freedom of speech, and to a lesser extent freedom of the press. The country's only regular publication is Kuensel, a weekly newspaper with a circulation of 15,000. It also reports stories on a daily basis through its on-line edition. Kuensel was formerly government-run, and human rights groups in the past stated that government ministries reviewed editorial material and suppressed or changed content. According to the Government, Kuensel is independent and is funded entirely through advertising and subscription revenue. Its board consists of a mix of senior civil servants and private individuals. Kuensel, which is published simultaneously in the English, Dzongkha, and Nepali languages, supports the Government but does occasionally report criticism of the King and of government policies in the National Assembly. The Government maintains that there are no restrictions on individuals starting new publications, but that the market is too small to support any. Nepalese, Indian, and other foreign newspapers and magazines are available, but readership is in the hundreds and primarily limited to government officials.

After a 10-year ban on private television reception, in 1999 the Government introduced local television broadcasting with the inauguration of the Bhutan Broadcasting Service. The service broadcasts locally produced and foreign programs. In late 1999 the Government began licensing cable operators. There are more than 27 cable providers in the country with more than 10,000 subscribers. A large variety of programming is available, including CNN, and BBC. The Government does not censor cable content. The Government radio station broadcasts each day in the four major languages (Dzongkha, Nepali, English, and Sharchop).

The Government inaugurated the country's first Internet service provider, Druknet, in June 1999; it had 1,820 subscribers as of late 2000. There are internet cafes in Thimphu, Phuentsholing and Bumthang. The Government does not censor any content on Druknet except for pornography, which is blocked.

There are no reported restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Government restricts freedom of assembly and association. Citizens may engage in peaceful assembly and association only for purposes approved by the Government. Although the Government allows civic and business organizations, there are no legally recognized political parties. The Government regards parties organized by ethnic Nepalese exiles—the Bhutan People's Party (BPP), the Bhutan National Democratic Party (BNDP), and the Druk National Congress—as "terrorist and antinational" organizations and has declared them illegal. These parties, which seek the repatriation of refugees and democratic reform, do not conduct activities inside the country.

c. Freedom of Religion.—The Government restricts freedom of religion. The Drukpa branch of the Kagyupa School of Mahayana Buddhism is the state religion. Approximately two-thirds of the population practice either Drukpa Kagyupa or Nyingmapa Buddhism.

The Drukpa branch is practiced predominantly in the western and central parts of the country, which are inhabited mainly by ethnic Ngalongs (descendants of Tibetan immigrants who predominate in government and the civil service, and whose cultural norms have been declared to be the standard for all citizens). The Nyingmapa school is practiced predominantly in the eastern part of the country, although there are adherents, including the royal family, in other areas. Most of those living in the east are ethnic Sharchops—the descendants of those thought to be the country's original inhabitants. The Government subsidizes monasteries and shrines of the Drukpa sect and provides aid to approximately one-third of the Kingdom's 12,000 monks. The Government also provides financial assistance for the construction of Drukpa Kagyupa and Nyingmapa Buddhist temples and shrines. In the early 1990's, the Government provided funds for the construction of new Hindu temples and centers of Sanskrit and Hindu learning and for the renovation of existing temples and places of Hindu learning. The Drukpa branch of Buddhism enjoys statutory representation in the National Assembly (Drukpa monks occupy 10 seats in the 150-member National Assembly) and in the Royal Advisory Council (Drukpa monks hold 2 of the 11 seats on the Council); the Drukpa branch is an influential voice on public policy. Citizens of other faiths, mostly Hindus, enjoy freedom of worship but may not proselytize. Followers of religions other than Buddhism and Hinduism generally are free to worship in private homes but may not erect religious buildings or congregate in public. Under the law, conversions are illegal. Some of the country's few Christians, mostly ethnic Nepalese living in the south, state that they are subject to harassment and discrimination by the Government, local authorities, and non-Christian citizens.

The King has declared major Hindu festivals to be national holidays, and the royal family participates in them. Foreign missionaries are not permitted to proselytize, but international Christian relief organizations and Jesuit priests are active in education and humanitarian activities. The Government restricts the import into the country of printed religious matter; only Buddhist religious texts can be imported. According to dissidents living outside of the country, Buddhist religious teaching, of both the Drukpa Kagyupa and Nyingmapa sects is permitted in the schools, but teaching of other religious faiths is not. Applicants for government services sometimes are asked their religion before services are rendered. All government civil servants, regardless of religion, are required to take an oath of allegiance to the King, the country, and the people. The oath does not have religious content, but a Buddhist lama administers it.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens traveling in border regions are required to show their citizenship identity cards at immigration check points, which in some cases are located at a considerable distance from what is in effect an open border with India. By treaty citizens may reside and work in India.

The country is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol (See Section 5). The Government states that it recognizes the right to asylum in accordance with international refugee law; however, the Government has not formulated a policy regarding refugees, asylees, first asylum, or the return of refugees to countries in which they fear persecution.

According to one credible human rights source, until recently the Government systematically arrested and imprisoned Tibetan refugees crossing the border with Tibet. This policy was followed under a tacit agreement with China. So invariable was this policy that Tibetan leaders advised refugees not to use routes of escape through Bhutan, and refugees have not done so for several years. Since Tibetans effectively are the only refugee population seeking first asylum in the country, the issue of first asylum did not arise during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. The country is a monarchy with sovereign power vested in the King. In 1998 the King devolved his day-to-day executive powers to the Council of Ministers, who are elected by the National Assembly from among themselves, but reserved control of "matters of national sovereignty and national security" for himself. He also introduced term limits for his Council of Ministers and proposed measures to increase the role of the National Assembly in the formation of his Government. The National Assembly elected a new Council of Ministers and Government in July 1998 to a 5-year term. In July the

National Assembly elected six Royal Advisory Councilors. There are elected or partially elected assemblies at the local, district, and national levels, and the Government claims to encourage decentralization and citizen participation. These elections are conducted in much the same way as National Assembly elections. Since 1969 the National Assembly has had the power to remove ministers whom the King appoints, but it never has done so. Political authority ultimately resides in the King, and decisionmaking involves only a small number of officials. Officials subject to questioning by the National Assembly routinely make major decisions, but the National Assembly is not known to have overturned any decisions reached by the King and government officials.

Political parties do not exist legally, and the Government discourages their formation as divisive. The Government has banned parties established abroad by ethnic Nepalese (see Section 2.b.).

The National Assembly has 150 members. Of these, 105 are elected indirectly by heads of household, 10 are selected by a part of the Buddhist clergy, and the remaining 35 are appointed by the King to represent the Government. The National Assembly, which meets irregularly, has little independent authority. However, there are efforts underway to have the National Assembly meet on a more regular basis, and in recent years the King and the Council of Ministers have been more responsive to the National Assembly's concerns. The procedures for the nomination and election of National Assembly members state that in order to be eligible for nomination as a candidate, a person must be a citizen of Bhutan; be at least 25 years of age; not be married to a foreign national; not have been terminated or compulsorily retired for misconduct from government service; not have committed any act of treason against the King, the populace, and country; have no criminal record or any criminal case pending against him; have respect for the nation's laws; and be able to read and write in Dzongkha (the language, in several dialects, spoken by Bhutanese Buddhists).

Each National Assembly constituency consists of a number of villages. Each village is permitted to nominate one candidate but must do so by consensus. There is no provision for self-nomination, and the law states that no person may campaign for the candidacy or canvass through other means. If more than one village within a constituency puts forward a candidate, an election is conducted by the district development committee, and the candidate obtaining a simple majority of votes cast is declared the winner. Individuals do not have the right to vote; every family in a village is entitled to one vote in elections. The law does not make clear how a candidate is selected if none achieves a simple majority. However, it does state that in case of a tie among the candidates in the election, selection shall be made through the drawing of lots. The candidate whose name is drawn shall be deemed to be elected.

Human rights activists claim that the only time individual citizens have any involvement in choosing a National Assembly representative is when they are asked for consensus approval of a village candidate by the village headman. The name put to villagers for consensus approval by the headman is suggested to him by district officials, who in turn take their direction from the central Government. Consensus approval takes place at a public gathering. Human rights activists state that there is no secret ballot.

The National Assembly enacts laws, approves senior government appointments, and advises the King on matters of national importance. Voting is by secret ballot, with a simple majority needed to pass a measure. The King may not formally veto legislation, but may return bills for further consideration. The Assembly occasionally rejects the King's recommendations or delays implementing them, but in general, the King has enough influence to persuade the Assembly to approve legislation that he considers essential or to withdraw proposals he opposes. The Assembly may question government officials and force them to resign by a two-thirds vote of no confidence; however, the National Assembly never has compelled any government official to resign. The Royal Civil Service Commission is responsible for disciplining subministerial level government officials and has removed several following their convictions for crimes, including embezzlement.

In 1998 the King issued a decree setting out several measures intended to increase the role of the National Assembly in the formation and dissolution of his Government. The decree, later adopted by the 76th session of the National Assembly, provided that all cabinet ministers are to be elected by the National Assembly and that the roles and responsibilities of the cabinet ministries are to be spelled out. Each cabinet minister is to be elected by simple majority in a secret ballot in the National Assembly from among candidates nominated by the King. The King is to select nominees for cabinet office from among senior government officials holding the rank of secretary or above. The King is to determine the portfolios of his min-

isters, whose terms are limited to 5 years, after which they must pass a vote of confidence in the National Assembly in order to remain in office. Finally the decree provided that the National Assembly, by a two-thirds vote of no confidence, can require the King to abdicate and to be replaced by the next person in the line of succession. After adopting the decree, the National Assembly elected a new council of ministers consistent with it. Human rights groups maintain that since only the King may nominate candidates for cabinet office, their election by the National Assembly is not a significant democratic reform. The King removed himself as Chairman of the Council of Ministers in 1998. Based on an election held in the National Assembly in 1998, Cabinet Ministers who received the most votes rotate the position on a yearly basis. The Chairman of the Council of Ministers serves as Prime Minister and Head of Government. In August Trade and Industry Minister Khundu Wangchuk became Chairman.

The percentage of women in government or politics does not correspond to their numbers in the population. The persistence of traditional gender roles apparently accounts for a low proportion of women in government, although women have made visible gains. A total of 15 women hold seats in the National Assembly, 23 percent of civil service employees are women, and women hold more than 30 percent of positions at the Ministry of Foreign Affairs.

There are 105 elected people's representatives in the National Assembly. All major ethnic groups are represented in the National Assembly, including 14 ethnic Nepalese.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no legal human rights nongovernmental organizations (NGO's) in the country. The Government regards human rights groups established by ethnic Nepalese exiles—the Human Rights Organization of Bhutan, the People's Forum for Human Rights in Bhutan, and the Association of Human Rights Activists-Bhutan—as political organizations and does not permit them to operate in the country. AI was permitted to visit in 1998, and later released a report.

ICRC representatives continue twice yearly prison visits, and the Government has allowed them unhindered access to detention facilities, including those in southern districts inhabited by ethnic Nepalese. The chairman and members of the U.N. Human Rights Commission Working Group on Arbitrary Detention have made two visits to the country.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Ongoing government efforts to cultivate a national identity rooted in the language, religion, and culture of the Ngalong ethnic group restrict cultural expression by other ethnic groups. In the late 1980's and early 1990's, the Government instituted policies designed to preserve the cultural dominance of the Ngalong ethnic group. It also committed many abuses against the ethnic Nepalese, which led to the departure of tens of thousands of them. Many ethnic Nepalese were expelled forcibly, and almost 100,000 of them remain in refugee camps in Nepal. At the time, the Government claimed that it was concerned about the rapid population growth of and political agitation by the ethnic Nepalese. The Government claims that ethnic and gender discrimination in employment is not a problem. It claims that ethnic Nepalese fill 22 percent of government jobs, which is slightly less than their proportion of the total population. Bhutanese human rights groups active outside the country claim that ethnic Nepalese actually make up approximately 35 percent of the country's population and that the Government underreports their number. Women are accorded respect in the traditions of most ethnic groups, although some exile groups claim that gender discrimination is a problem.

Women.—There is no evidence that rape or spousal abuse are extensive problems. For example, in 1999 there were 10 reported rapes nationwide. In the south, in the early 1990s, there were widespread reports of the rape of large numbers of ethnic Nepalese women, including by government forces. The Government denied these reports.

In 1996 the National Assembly adopted a revised Rape Act. The law contains a clear definition of criminal sexual assault and specifies penalties. In cases of rape involving minors, sentences range from 5 to 17 years. In extreme cases, a rapist may be imprisoned for life. There are few known instances of sexual harassment.

Women constitute 48 percent of the population and participate freely in the social and economic life of the country. Approximately 43 percent of enrollment in school is female. Inheritance law provides for equal inheritance among all sons and daughters, but traditional inheritance practices, which vary among ethnic groups, may be

observed if the heirs choose to forego legal challenges. Dowry is not customary, even among ethnic Nepalese Hindus. Among some groups, inheritance practices favoring daughters reportedly account for the large numbers of women who own shops and businesses and for an accompanying tendency of women to drop out of higher education to go into business. However, female school enrollment has been growing in response to government policies. Women increasingly are found among senior officials and private sector entrepreneurs, especially in the tourism industry. Women in unskilled jobs generally are paid slightly less than men.

Polygamy is allowed, provided the first wife gives her permission. Marriages may be arranged by the marriage partners themselves as well as by their parents. Divorce is common. Existing legislation requires that all marriages must be registered; it also favors women in matters of alimony.

Children.—The Government has demonstrated its commitment to child welfare by its rapid expansion of primary schools, healthcare facilities, and immunization programs. Mortality rates for both infants and children under 5 years dropped significantly since 1989. The Government provides free and compulsory primary school education, and primary school enrollment has increased 9 percent per year since 1991, with enrollment of girls increasing at an even higher rate. Government policies aimed at increasing enrollment of girls increased the proportion of girls in primary schools from 39 percent in 1990 to 45 percent during the year. In 1999 the participation rate for children in primary schools was estimated at 72 percent, with the rate of completion of 7 years of schooling at 60 percent for girls and at 59 percent for boys. There is no law barring ethnic Nepalese children from attending school. However, most of the 75 primary schools in southern areas heavily populated by ethnic Nepalese that were closed in 1990 remain closed. The closure of the schools acts as an effective barrier to the ability of the ethnic Nepalese in southern areas to obtain a primary education. Exile groups claim that Nepalese students scoring highly on national exams are not always given the same advantages as other students (such as the chance to study abroad at government expense), particularly if they are related to prominent dissidents or refugees.

There is no societal pattern of abuse against children. Children enjoy a privileged position in society and benefit from international development programs focused on maternal and child welfare. A study by the United Nations Children's Fund (UNICEF) found that boys and girls receive equal treatment regarding nutrition and health care and that there is little difference in child mortality rates between the sexes.

Persons with Disabilities.—There is no evidence of official discrimination toward persons with disabilities, but the Government has not passed legislation mandating accessibility for persons with disabilities. Societal discrimination against persons with disabilities remains a problem.

National/Racial/Ethnic Minorities.—Ethnic Nepalese have lived in the southern part of the country for centuries, and the early phases of economic development at the turn of the century brought a large influx of additional ethnic Nepalese. Early efforts at national integration focused on assimilation, including financial incentives for intermarriage, education for some students in regions other than their own, and an increase in development funds for the south. However, in the late 1980's, concern over the increase in the population of and political agitation among ethnic Nepalese prompted aggressive government efforts to assert a national culture, to tighten control over southern regions, to control illegal immigration, to expel ethnic Nepalese, and to promote national integration.

Beginning in 1989, more discriminatory measures were introduced, aimed at shaping a new national identity known as Drukpa. Drukpa is based on the customs of the non-ethnic Nepalese Ngalong ethnic group predominant in the western part of the country. Measures included a requirement that national dress be worn for official occasions and as a school uniform, the teaching of Dzongkha as a second language in all schools, and an end to instruction in Nepali as a second language.

During the mid- and late 1980's, citizenship became a highly contentious matter. Requirements for citizenship first were formalized in the Citizenship Law of 1958, which granted citizenship to all adults who owned land and had lived in the country for at least 10 years. However, in 1985 a new citizenship law significantly tightened requirements for citizenship and resulted in the denaturalization of many ethnic Nepalese. The 1985 law required that both parents be citizens in order to confer citizenship on a child, and that persons seeking to prove citizenship through their own or their parents' residency in 1958 be able to prove residency in the country at that time. In many cases, persons were unable to produce the documentation necessary, such as land tax receipts from 1958, to show residency. The law permits residents who lost citizenship under the 1985 law to apply for naturalization if they can prove residence during the 15 years prior to that time. The Government declared all resi-

dents who could not meet the new citizenship requirements to be illegal immigrants. Beginning in 1988, the Government expelled large numbers of ethnic Nepalese through enforcement of the new citizenship laws.

The 1985 Citizenship Act also provides for the revocation of the citizenship of any naturalized citizen who "has shown by act or speech to be disloyal in any manner whatsoever to the King, country, and people of Bhutan." The Home Ministry later declared in a circular that any nationals leaving the country to assist "antinationalists," and the families of such persons, would forfeit their citizenship. Human rights groups allege that these provisions were used widely to revoke the citizenship of ethnic Nepalese who subsequently were expelled or otherwise departed from the country. In response to the perceived repression, ethnic Nepalese protested, sometimes violently. The protests were led by the Bhutan Peoples' Party (BPP), which advocated full citizenship rights for ethnic Nepalese and for democratic reforms. Characterizing the BPP as a "terrorist" movement backed by Indian sympathizers, the authorities cracked down on its activities and ordered the closure of local Nepalese schools, clinics, and development programs after several were raided or bombed by dissidents. There were credible reports that many ethnic Nepalese activists were beaten and tortured while in custody, and that security forces committed acts of rape. There also were credible reports that militants, including BPP members, attacked and killed census officers and other officials, and engaged in bombings.

Local officials took advantage of the climate of repression to coerce ethnic Nepalese to sell their land below its fair value and to emigrate. Beginning in 1991, ethnic Nepalese began to leave southern areas of the country in large numbers and take refuge in Nepal. Many ethnic Nepalese also were forced to sign "voluntary migration forms" wherein they agreed to leave the country, after local officials threatened to fine or imprison them for failing to comply. According to UNHCR, there were 98,269 ethnic Nepalese refugees in seven refugee camps in eastern Nepal as of June 2000. An additional 15,000 refugees, according to UNHCR estimates, are living outside the camps in Nepal and India.

Ethnic Nepalese political groups in exile complain that the revision of the country's citizenship laws in 1985 denaturalized tens of thousands of former residents of Bhutan. They also complain that the new laws have been applied selectively and make unfair demands for documentation on a largely illiterate group in a country that only recently has adopted basic administrative procedures. They claim that many ethnic Nepalese whose families have been in the country for generations were expelled because they were unable to document their claims to residence. The Government denies this and asserts that a three-member village committee, typically ethnic Nepalese in southern districts, certifies in writing that a resident is a Bhutanese citizen in cases where documents cannot be produced.

The Government maintains that many of those who departed the country in the early 1990's were Nepalese or Indian citizens who came to the country after the enactment of the 1958 Citizenship law but were not detected until a census in 1988. The Government also claims that many persons registered in the camps as refugees never may have resided in the country. Finally the Government contends that some ethnic Nepalese left the country voluntarily, thus renouncing their Bhutanese citizenship. Human rights organizations credibly dispute this claim. A royal decree in 1991 made forcible expulsion of a citizen a criminal offense. Nevertheless only three officials ever were punished for abusing their authority during this period (see Section 1.c.). According to the UNHCR, the overwhelming majority of refugees who entered the camps since screening began in June 1993 have documentary proof of Bhutanese nationality. Random checks and surveys of camp residents—including both pre- and post-June 1993 arrivals—bear this out.

Since 1994 there has been a series of negotiations between Nepal and Bhutan to resolve the Bhutanese refugee problem. In late December 2000, the two countries agreed upon a system to verify the nationality of Bhutanese refugees in Nepal in preparation for their return to the country. Refugee verifications began in March. By December all the residents of the first camp had been interviewed, and the Bhutanese verification team went back to Thimpu pending the start of verification at the next camp. Refugee groups are concerned that at the present rate, verification will take several years. Bilateral negotiations on repatriation issues in November failed to arrive at an agreement, and the matter was deferred to a proposed future session of ministerial-level talks.

In 1996, 1998, and 1999, refugees held a series of "peace marches" from Nepal to Bhutan to assert their right to return to Bhutan. The marchers charged that the Bhutanese police assaulted them during each march, injuring several demonstrators, and then arrested and deported all of the marchers. A resolution adopted by the National Assembly in 1997 prohibits the still-resident family members of ethnic

Nepalese refugees from holding jobs with the Government or in the armed forces. Under the resolution, those holding such jobs were to be retired involuntarily. The Government made clear that for the purposes of this resolution, a family member would be defined as a parent, a child, a sibling, or a member of the same household. The Government states that 429 civil servants, many of them ethnic Nepalese, were retired compulsorily in accordance with the resolution, and that the program was abrogated in November 1997. The Government states that those forced to retire were accorded retirement benefits in proportion to their years of government service.

The Government also began a program in 1998 of resettling Buddhist Bhutanese from other regions of the country on land in the southern part of the country vacated by the ethnic Nepalese living in refugee camps in Nepal. Human rights groups maintain that this action prejudices any eventual outcome of negotiations over the return of the refugees to the country. The Government maintains that this is not its first resettlement program and that Bhutanese citizens who are ethnic Nepalese from the south sometimes are resettled on more fertile land in other parts of the country. The failure of the Government to permit the return of ethnic Nepalese refugees has tended to reinforce societal prejudices against this group, as has the Government's policy on the forced retirement of refugee family members in government service and the resettlement of Buddhists on land vacated by expelled ethnic Nepalese in the south.

Section 6. Worker Rights

a. The Right of Association.—Trade unions are not permitted, and there are no labor unions. Workers do not have the right to strike, and the Government is not a member of the International Labor Organization. The Government maintains that, with very little industrialization, there is little labor to be organized.

b. The Right to Organize and Bargain Collectively.—There is no collective bargaining in industry. Industry accounts for approximately 25 percent of the GDP, but employs only a minute fraction of the total work force. The Government affects wages in the manufacturing sector through its control over wages in state-owned industries.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced or compulsory labor, and there were no reports that such practices occurred. There is no evidence to suggest that domestic workers are subjected to coerced or bonded labor. The law does not specifically prohibit forced and bonded labor by children, but there were no reports that such practices occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law sets the minimum age for employment at 18 years for citizens and 20 years for non-citizens. A UNICEF study suggested that children as young as 11 years sometimes are employed with roadbuilding teams, which usually are made up of non-Bhutanese guest workers. Children often do agricultural work and chores on family farms. The law specifically does not prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.). The country has not ratified ILO Convention 182 on the Worst Forms of Child Labor; however, as a state party to the U.N. Convention on the Rights of the Child, the Government supports the provisions contained therein. The country lacks a large pool of ready labor; for major projects, such as road works, the Government brings in hired laborers from India.

e. Acceptable Conditions of Work.—A circular that went into effect in 1994 established wage rates, rules and regulations for labor recruiting agencies, and the regulations for payment of workmen's compensation. Wage rates are revised periodically, and range upward from a minimum of roughly \$2.50 (100 ngultrums) per day plus various allowances paid in cash or kind. This minimum wage provides a decent standard of living for a worker and family. The workday is defined as 8 hours with a 1-hour lunch break. Work in excess of this must be paid at one and one-half times normal rates. Workers paid on a monthly basis are entitled to 1 day's paid leave for 6 days of work and 15 days of leave annually. The largest salaried work force is the government service, which has an administered wage structure last revised in 1988 but supplemented by special allowances and increases. The last such increase was in 1999. According to the latest Census of Manufacturing Industries, only 38 industrial establishments employ more than 50 workers. Smaller industrial units include 39 plants of medium size, 345 small units, 832 cottage industry units, and 2,154 "mini" units. The Government favors family-owned farms. Land laws prohibit a farmer from selling his or her last 5 acres and require the sale of holdings in excess of 25 acres. This, along with the country's rugged geography, results in a predominantly self-employed agricultural workforce. Workers are entitled to free medical care within the country. Cases that cannot be dealt with in the country are

flown to other countries (usually India) for treatment. Workers are eligible for compensation for partial or total disability, and in the event of death their families are entitled to compensation. Existing labor regulations do not grant workers the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

INDIA

India is a longstanding parliamentary democracy with a bicameral parliament. Prime Minister Atal Bihari Vajpayee, whose Bharatiya Janata Party (BJP) leads a multi-party coalition, took office in October 1999 and heads the Government. President K.R. Narayanan, who was elected by an electoral college consisting of Members of Parliament and members of state assemblies, is Head of State and also has special emergency powers. The judiciary is independent.

Although the 28 state governments have primary responsibility for maintaining law and order, the central Government provides guidance and support through the use of paramilitary forces throughout the country. The Union Ministry for Home Affairs controls most of the paramilitary forces, the internal intelligence bureaus, and the nationwide police service; it provides training for senior police officers of the state-organized police forces. The armed forces are under civilian control. Security forces committed numerous significant human rights abuses, particularly in Jammu and Kashmir and in the northeastern states.

The country is in transition from a government-controlled economy to one that largely is market oriented. The private sector is predominant in agriculture, most nonfinancial services, consumer goods manufacturing, and some heavy industry. Economic liberalization and structural reforms begun in 1991 continue, although momentum has slowed. The country's economic problems are compounded by population growth of 1.7 percent annually with a population of more than 1 billion. Income distribution remained very unequal, with the top 20 percent of the population receiving 39.3 percent of national income and the bottom 20 percent receiving 9.2 percent. Twenty percent of the urban population and 30 percent of the rural population live below the poverty level. Per Capita the gross national product (GNP) per capita was \$480.

The Government generally respected the human rights of its citizens in some areas; however, numerous serious problems remain in many significant areas. Significant human rights abuses included: Extrajudicial killings, including faked encounter killings, deaths of suspects in police custody throughout the country, and excessive use of force by security forces combating active insurgencies in Jammu and Kashmir and several northeastern states; torture and rape by police and other agents of the Government; poor prison conditions; arbitrary arrest and incommunicado detention in Jammu and Kashmir and the northeast; continued detention throughout the country of thousands arrested under special security legislation; lengthy pretrial detention; prolonged detention while undergoing trial; occasional limits on freedom of the press and freedom of movement; harassment and arrest of human rights monitors; extensive societal violence against women; legal and societal discrimination against women; female bondage and forced prostitution; child prostitution and female infanticide; discrimination against persons with disabilities; serious discrimination and violence against indigenous peoples and scheduled castes and tribes; widespread intercaste and communal violence; religiously-motivated violence against Christians and Muslims; widespread exploitation of indentured, bonded, and child labor; and trafficking in women and children.

Many of these abuses are generated by a traditionally hierarchical social structure, deeply rooted tensions among the country's many ethnic and religious communities, violent secessionist movements and the authorities' attempts to repress them, and deficient police methods and training. These problems are acute in Jammu and Kashmir, where judicial tolerance of the Government's heavy-handed counterinsurgency tactics, the refusal of security forces to obey court orders, and terrorist threats have disrupted the judicial system. In the northeast there was no clear decrease in the number of killings, despite negotiated ceasefires between the Government and some insurgent forces, and between some tribal groups.

The concerted campaign of execution-style killings of civilians by Kashmiri militant groups, begun in 1998, continued, and included several killings of political leaders and party workers. Separatist militants were responsible for numerous, serious

abuses, including killing of armed forces personnel, police, government officials, and civilians; torture; rape; and brutality. Separatist militants also were responsible for kidnaping and extortion in Jammu and Kashmir and the northeastern states.

Violence in Jammu and Kashmir continued to be a problem. The Government extended a cease fire in Jammu and Kashmir, begun in November 2000, until May. However, the Government ended the ceasefire in May due to the All-Parties Hurriyat Conference's (APHC) insistence on being allowed to visit Pakistan and the continued killings by militants in Jammu and Kashmir. In July Prime Minister Vajpayee and President Musharraf of Pakistan met in an effort to restart the peace process. The summit ended with no tangible progress. Talks on the peace process ended in October when terrorists bombed the Jammu and Kashmir state assembly and killed 38 persons. The terrorist violence continued on December 13, when 6 armed gunmen entered the National Parliament in New Delhi and killed 12 persons. The Government has accused the terrorist groups Lashkar-e-Tayyiba (LET) and Jaish-e-Muhammad as the groups responsible of carrying out the attack on Parliament. In December a total of 22 persons were killed and 45 persons were wounded in Jammu and Kashmir, including 3 members of the LET and 3 Indian troops who were killed in a firefight.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—Arbitrary and unlawful deprivations of life by government forces (including deaths in custody and faked encounter killings) continued to occur frequently in the state of Jammu and Kashmir and in several northeastern states, where separatist insurgencies continued. Security forces offered bounties for wanted militants. Extrajudicial killings of criminals and suspected criminals by police or prison officers also occurred in a number of states; in Uttar Pradesh, a state without an active insurgency movement, there were more than 150 deaths in police encounters in 2000. Militant groups active in Jammu and Kashmir, several northeast states, and parts of Andhra Pradesh, killed members of rival factions, government security forces, government officials, and civilians.

Official government figures indicate that militant activity increased notably during the year as security forces had killed 597 militants in encounters in Jammu and Kashmir as of September, compared with 1,520 militants killed during the same time period in 2000 (Kashmir has been at the center of a territorial dispute between India and Pakistan since the two nations gained their independence in 1947; both claim Kashmir). According to the Kashmir Times, security forces killed 1,239 militants in encounters in Jammu and Kashmir during the year. Kashmiri separatist groups maintain that many such "encounters" are faked, and that suspected militants offering no resistance are executed summarily by security forces. Statements by senior police and army officials confirm that the security forces are under instructions to kill foreign militants, rather than attempt to capture them alive. Human rights groups allege that this particularly is true in the case of security force encounters with non-Kashmiri militants who cross into Jammu and Kashmir illegally. According to press reports and anecdotal accounts, persons killed in disputed encounters typically were detained by security forces, and their bodies, bearing multiple bullet wounds and often marks of torture, were returned to relatives or otherwise were discovered shortly afterwards. For example, in January in Magam township approximately 6,000 persons gathered to protest the killing of 2 former militants whose mutilated bodies were found by civilians. The pair allegedly were detained by the Special Operations Group (SOG) of the Jammu and Kashmir police. The police denied any involvement and claimed the deaths were the work of the Hizbul Mujahideen, a Kashmiri militant group.

Nongovernmental organizations (NGO's) active in Jammu and Kashmir claimed that in January 2000, Mohammad Tahir Shah of Kapihora was killed soon after being taken into custody by security forces, which earlier had killed Shah's two sons, alleging that they were members of a militant organization. Shah was buried in Tral town. His relatives were not permitted to recover the body for burial in Kapihora, according to an NGO. Another NGO reported that in March 2000, security forces killed Gulab Muhammad Chechi in an encounter in Beerwah. Authorities claim that he was a foreign militant and that security forces killed him during a gunfight. However, his relatives state that Chechi was a beggar native to Beerwah.

On May 20, newspapers reported that Aijaz Ahmad Kitab had been arrested by the Jammu and Kashmir SOG. According to the police, Kitab was killed after he left the police station. Human rights groups and his family dispute this version of events and believe that he was killed in an encounter. No formal inquiry has been made into the circumstances of Kitab's death. In June the National Human Rights

Commission (NHRC), a government-appointed and financed investigative body (see Section 4), requested that the Chief Secretary and Director of Police of Jammu and Kashmir, as well as the Home Defense Minister, report within 8 weeks to explain these custodial deaths. By year's end, no such reports had been made public.

The NHRC, directed that all alleged encounter deaths be investigated immediately by an independent agency; however, members of the security forces rarely are held accountable for these killings. The NHRC itself may inquire into alleged security force abuses in Jammu and Kashmir but does not have the statutory power to investigate such allegations, if it is not satisfied with the responses to its inquiries. The authorities generally have not reported encounter deaths that occur in Jammu and Kashmir to the NHRC; however, private citizens have informed the Commission of various abuses. Human rights groups allege that during the year security forces killed a number of captured non-Kashmiri militants in Jammu and Kashmir. During conflicts with armed militants, security forces allegedly respond indiscriminately to gunfire.

According to the Kashmir Times, in Jammu and Kashmir security forces killed 1,239 militants during the year, while 901 civilians and 207 members of the security forces were killed. According to the Home Ministry during 2000, 543 civilians and 226 security force members were killed in insurgency-related incidents in the state. Home Ministry figures state that in 2000, 821 civilians and 356 security force members were killed in insurgencies in the northeastern states. In comparison, the Home Ministry reported that in 1999, 584 civilians, 439 militants, and 205 security force members were killed in the northeastern states.

In June a fact-finding team of human rights activists reported on a number of cases of extrajudicial killings in Pulwama, Srinagar, Badgam, and Baramulla districts and in Srinagar and Sopore towns. The team concluded that the police had acted without justification in most cases and that the Army had abused the protections of the Armed Forces (Special Powers) Act. They claimed that the Border Security Force (BSF) had fired indiscriminately on Magam village after a suicide attack on a BSF camp. The team also referred to the deaths of Ahmed Khan and Mohammed Ismail Kaloo as custodial deaths, refuting the security forces' explanations that they died in shooting encounters. In a precedent-setting decision, the Allahabad (the Uttar Pradesh High Court) affirmed in April that custodial killings are murders, and stated that police officers could in the future be prosecuted for failing to refuse to obey an illegal order which resulted in the death of a detainee or prisoner.

The security forces killed many civilians during military counterinsurgency operations. In July security forces killed six civilians following an attack on a convoy at Baramulla. In December 2000, 31 security force members were killed in encounters with militants, and 180 civilians were killed. For example, in December Amnesty International (AI) reported the killing by security forces of 10 civilians and the injuring of 40 others following an attack on an army convoy by armed militants. In February security forces reportedly fired into a crowd of villagers protesting the death of Jaleel Ahmed Shah. Five persons were killed and several persons were injured. A case was filed against the security forces for the unprovoked killing of villagers. As a result, the army apologized for the incident and promised an official inquiry; however, no security force members have been charged in the incident. In April 2000, the Jammu and Kashmir SOG fired into a group of several hundred Muslim protesters in Brakpora, Anantnag district, killing 8 persons and injuring 15 others. While some members of the police special operations group were indicted in connection with the killings, trials had not begun at year's end. An army-headed commission investigated the August 2000 Phalagam massacre in which 32 persons were killed by militants and reported in October 2000 that the Home Ministry's Central Reserve Police Force and the SOG of the Jammu and Kashmir police force used excessive force; however, there were no charges brought in connection with this use of excessive force.

Accountability remains a serious problem in Jammu and Kashmir. Security forces have committed thousands of serious human rights violations over the course of the conflict, including extrajudicial killings, disappearances, and torture (see Sections 1.b. and 1.c.). Despite this record of abuse, only a few hundred members of the security forces have been prosecuted and punished since 1990 for human rights violations or other crimes. Punishments ranged from reduction in rank to imprisonment for up to 10 years. According to AI, the army stated in January 2000 that it had investigated 822 of the 955 complaints of human rights violations that it received in 1999 and found that only 24 were of substance. AI reported that there were 1,143 deaths in police and judicial custody in the country in 2000.

In the past, scrutiny by the NHRC and international human rights organizations, when permitted (see Section 4), and the persistence of individual magistrates, resulted in somewhat greater accountability for abuses committed by security force

members in Jammu and Kashmir; however, in July 1998, the Government rejected the NHRC's recommendations to bring the army and paramilitary forces under closer scrutiny by allowing the NHRC to investigate complaints of their excesses. In December 2000, the NHRC recommended the removal of paramilitary forces from the definition of "armed forces"; as part of the armed forces category, paramilitary forces are protected from investigation by the NHRC and from criminal prosecution for certain acts under various emergency statutes. No action had been taken regarding this recommendation by year's end. The majority of complaints during the year involved individual cases; while there have been complaints of individual houses being destroyed, there were no reports of entire villages being burned by armed forces or of mass killings, as in past years.

There were many allegations that military and paramilitary forces in the northeast engage in abduction, torture, rape, arbitrary detention, and the extrajudicial killing of militants (see Sections 1.b., 1.c., 1.d., and 1.g.). The Armed Forces Special Powers Act and the Disturbed Areas Act remained in effect in several states in which active secessionist movements exist, namely, in Jammu and Kashmir, Nagaland, Manipur, Assam, and parts of Tripura. The Disturbed Areas Act gives police extraordinary powers of arrest and detention, which, according to human rights groups, allow security forces to operate with virtual impunity in areas under the act. The Armed Forces Special Powers Act provides search and arrest powers without warrants (see Section 1.d.).

Human rights monitors allege that, as in Jammu and Kashmir, government reports of deaths during "encounters" between insurgent groups and security forces in northeastern states actually were staged, and that those insurgents who were reported dead were killed after being detained by security forces. The number of persons killed and injured in militant violence in the northeastern states is significant but is lower than the numbers killed in similar violence in Kashmir. From January to May 15, 225 killings took place in Assam. During the year, 19 members of the security forces, 101 civilians, and 69 militants were killed in the northeast. Numerous incidents of encounters involving security forces and militant organizations such as the United Liberation Front of Assam (ULFA), the National Democratic Front of Bodoland (NDFB), and the United People's Democratic Solidarity (UPDS) continued. For example, on January 9, after an ULFA militant was killed and another injured in an encounter with security forces, four other militants from the ULFA were arrested. On June 6, security forces shot a militant allegedly responsible for killing three Catholic priests.

There continued to be many credible reports of extrajudicial killings by security forces, the army, and the police killed both militants and noncombatant civilians, particularly in areas of insurgencies. Human rights groups allege that encounters often are faked by police to cover up the torture and subsequent killing of both militants and noncombatants. On February 18, Azam Ali, a 38-year-old school teacher and activist belonging to the Andhra Pradesh Civil Liberties Committee (APCLC), was killed in Nalgonda. Ali was killed while organizing a memorial meeting for Mr. Purushotham, another APCLC leader. Purushotham, an alleged former militant, a human rights defender, and Joint Secretary of the Andhra Pradesh Civil Liberties Committee, was killed by a group of unidentified men in November 2000. Purushotham was investigating alleged human rights violations by the police, including torture and extrajudicial killings. Police arrested four suspects a few days later, two of whom were identified as ex-PWG militants. The two persons confessed to the killing at a press conference that was organized by the police. The APCLC believes that the police, not the PWG, were involved in the killing. AI has asked the Chief Minister of Andhra Pradesh to order an impartial investigation into the killing of Purushotham and Azam Ali.

Another encounter occurred in Nalgonda district on June 9, when police surrounded a group of PWG militants. According to a human rights group, the police fired at the group and killed six PWG activists and one civilian. According to the police, the PWG militants were holding a meeting with local villagers and had fired on police officers who had approached the gathering; the police returned fire only when the villagers had cleared the area.

The NHRC is investigating 285 reported cases of encounter deaths allegedly committed by the Andhra Pradesh police in connection with anti-PWG operations. According to the Andhra Pradesh Civil Liberties Committee, the NHRC had evidence of police culpability in several cases. However, such cases have not been adjudicated in the courts or otherwise acted on by the state government. The Government's failure to act expeditiously on NHRC findings has discouraged local human rights groups from filing additional encounter death cases with the NHRC. As evidence that encounters often are faked by police, human rights groups cite the refusal of

police officials to turn over the bodies of suspects killed. The bodies often are cremated before families can view them.

In Andhra Pradesh, the Disturbed Areas Act has been in force in a number of districts for over 4 years. Human rights groups allege that security forces have been able to operate with virtual impunity under the act. They further allege that Andhra Pradesh police officers train and provide weapons to an armed vigilante group known as the "Green Tigers," whose mission is to combat the Naxalite group in the state. Little is known about the size, composition, or activities of this group.

Court action in cases of extrajudicial killings is slow and uncertain. In one case Army Major Avtar Singh was arrested in 1998 for the 1996 killing of human rights monitor Jalil Andrabi in Kashmir. Singh and 11 countermilitants were charged with Andrabi's killing and 10 other unlawful killings. Criminal charges and a court martial still are pending against Singh, but neither process has yet begun. Human rights workers have alleged that the central Government and Jammu and Kashmir state government both attempted to subvert the judicial process by withholding evidence in the case. There were no developments in the 1996 killing of human rights monitor Parag Kumar Das, who allegedly was killed by a militant who previously had surrendered and was supported by the Government.

Police frequently use excessive force indiscriminately against demonstrators, killing citizens. For example, on August 6, police fired on demonstrators surrounding the Aurai police station in Muzaffarpur to protest police brutality against flood victims in Bihar; the shooting killed six persons and injured scores of others. On June 18, in Imphal, Manipur, police opened fire on persons protesting against the Government's ceasefire extension beyond Nagaland's borders. The demonstration took place soon after a mob burned down the legislative assembly. An indefinite curfew was imposed in Imphal, and the police were ordered to shoot anyone found violating the curfew, although there were no instance of persons being shot for this reason. Eighteen persons were killed in rioting that occurred over several days. In Chennai, Tamil Nadu, five persons were killed and dozens were injured on August 12 after police fired plastic bullets at demonstrators at an opposition rally, causing at least three of the deaths (the circumstances surrounding the other 2 deaths are unclear). The police action was condemned widely as being excessive. Several journalists also were injured, allegedly when police charged at the crowd with batons (see Section 2.a.). In Guwahati, Assam, in November, police responded to a riot at a school and shot at the mob, killing one man and injuring others.

During the year, there were reports of killings that resulted from police or other security forces who used excessive force. For example, the NHRC has sought an explanation from the army regarding the abduction and killing of a Changsan in Churachandpur, Manipur, by the Rashtriya Rifles in March 1997. The complaint was filed by the Kuki (tribe) Movement for Human Rights. In November 2000, the Manipur state government claimed that the victim died in crossfire between militants and soldiers. After reading the post-mortem report, the NHRC ruled that the victim's 14 bullet injuries could not have been sustained in this manner.

Some observers have alleged that it was a policeman who threw a grenade into the Charar-e-Sharif shrine in Srinagar on June 8, killing four persons and wounding many others.

On August 25, 2 policemen were sentenced to life imprisonment in Silchar, Assam for beating a teenage boy to death on August 24, 1996. On August 28, Asan Sheikh died of an apparent heart attack, according to jail authorities. However, the local Superintendent of Police stated that the possibility of foul play could not be ruled out, since blood stains were found on Sheikh's face.

Deaths in custody are common both for suspected militants and other criminals. According to the NHRC, there were 1,037 reported deaths in custody nationwide during the year, many from natural causes aggravated by poor prison conditions (see Section 1.c.).

The NHRC has focused on torture and deaths in custody by directing district magistrates to report all deaths in police and judicial custody to the Commission and stating that failure to do so would be interpreted as an attempted coverup. Magistrates appear to be complying with this directive, although states vary in their adherence to NHRC directives on custodial deaths. However, security forces are not required to report custodial deaths in Jammu and Kashmir or the northeastern states to the NHRC and do not do so. The NHRC reported 56 fewer custodial deaths from April 2000 to March 2001 than in the previous period. In January All-Parties Hurriyat Conference leaders criticized the state government of Jammu and Kashmir for a series of custodial killings. The Jammu and Kashmir Deputy Inspector General of Police denied that there had been any custodial killings, despite eyewitness accounts reported in local newspapers. In July Masood, a commander of the Hizbul Mujahideen, was killed by the SOG of the Jammu and Kashmir police following his

arrest in Pampore, Srinagar. Masood's family allege that he was killed while in police custody. The police state that he was killed while trying to escape. There has been no formal investigation into his death. In June the NHRC asked for a report from the Home Ministry and Defense Ministry regarding media reports of custodial deaths. Despite the request, by year's end, the NHRC had not yet received a reply. During the year, the NHRC awarded compensation to Tejender Arora for an unlawful police beating in June 1999 in Uttar Pradesh.

During the year, there were several cases of suspicious deaths of persons in police custody in Maharashtra. In January an auto-rickshaw driver allegedly committed suicide in a Mumbai jail after being detained for a traffic violation. In August in Jalgaon District, the leader of a scheduled caste community was found dead at a police station the morning after he was arrested on a domestic violence charge. Citizens stoned local police when they denied the family the right to inspect the body. The District Collector has ordered an inquiry into the death.

However, during the year, the state government of Maharashtra has taken some positive steps regarding custodial deaths. Following NHRC guidelines, the state government of Maharashtra mandated automatic post-mortem examinations and inquiries by a magistrate following all cases of custodial deaths. The district jail in Pune, the state's second largest, became the first in the country to adopt video-conferencing to help magistrates determine the health and well-being of persons in judicial custody (see Section 1.c.). In March the widow of Bharat Lokhande, a suspect who died in police custody in 1997, was awarded more than \$4,000US (191,688 Rs) compensation by the High Court.

In August the state government took action to implement the Sri Krishna Commission findings concerning the Hindu-Muslim communal riots in Mumbai of 1992 and 1993. Former Police Commissioner Ramdeo Tayagi, indicted in 1998 along with other officials for killing Muslims during the riots, was arrested by an order of the Supreme Court. And in another long-delayed case, police inspector Manohar Kadam, indicted in 1997 for ordering excessive force against protesters in 1997, was arrested in September in Mumbai.

A member of the Kougatchi local authority in West Bengal, reportedly died of a heart attack in police custody on March 22. An opposition leader alleged that the local authority member died of torture while in police custody. To date, there has been no formal investigation.

In Bihar the NHRC recorded 135 custodial deaths in its 2000-01 reporting period. The Bihar government has not been responsive to NHRC directives and reports addressing police training and accountability. However, the Bihar Inspector-General of Prisons reportedly stated that of the 135 cases, only 15 were "unnatural deaths." Human rights sources claim that the number is slightly higher.

Killings and abductions of suspected militants and other persons by progovernment countermilitants continued to be a significant problem in Jammu and Kashmir. Countermilitants are former separatist militants who have surrendered to government forces, but who have retained their weapons and paramilitary organization. Government agencies fund, exchange intelligence with, and direct operations of countermilitants as part of the counterinsurgency effort. The Government also recruited countermilitants into the Special Operations Group of the Jammu and Kashmir police and into the Border Security Force. Countermilitants are known to search persons at roadblocks (see Section 2.d.) and guard extensive areas of the Kashmir Valley from attacks by militants. The Government, through its sponsoring and condoning of extrajudicial countermilitant activities, is responsible for killings, abductions, and other abuses committed by these militant groups. Perhaps as many as 3,000 countermilitants continue to operate in Jammu and Kashmir, particularly in the countryside, outside major towns. The Hizbul Mujahideen, a Kashmiri militant group, stated in June 1998 that progovernment countermilitants had killed 350 of its members. According to Pakistani newspaper accounts, Indian security forces killed 438 Pakistani members of insurgent groups in Jammu and Kashmir during 1999. Of this number, 200 were members of the Lashkar-e-Tayyaba, 123 were members of the Al-Badr Mujahideen, 69 were members of the Harkat-ul-Mujahideen and, and 46 were members of the Hizbul Mujahideen. However, these numbers have not been confirmed and only include the four largest insurgent groups in the state. The Kashmir Times stated that security forces killed 1,239 militants in the state during the year, compared with 1,520 in 2000.

Insurgency and increased ethnic violence took a heavy toll in the northeastern states. Extensive, complex patterns of violence continued in many of the seven northeastern states. The main insurgent groups in the northeast include two factions of the National Socialist Council of Nagaland (NSCN) in Nagaland; Meitei extremists in Manipur; the ULFA and the Bodo security force in Assam; and the All

Tripura Tiger Force (ATTF) and the National Liberation Front of Tripura (NLFT) in Tripura. The proclaimed objective of many of these groups is to secede from the country, creating new, independent nations. Their stated grievances against the Government range from charges of neglect and indifference to the widespread poverty of the region, to allegations of active discrimination against the tribal and non-tribal people of the region by the central Government (see Section 5). The oldest of these conflicts, involving the Nagas, dates back to the country's independence in 1947. On August 1, 1997, a ceasefire between the Government and the Isak-Muivah faction of the NSCN (NSCN-IM) entered into effect. The ceasefire was extended in January until July 31. On June 15, the Government announced the extension of the ceasefire to cover all Naga-inhabited areas in the country. The ceasefire extension was to go into effect on August 1.

However, the Government's extended ceasefire was resisted in Manipur, Assam and Arunachal Pradesh, where non-Nagas feared the eventual creation of a Greater Nagaland carved partly out of their territories. Protests in Manipur by the Meitei community were violent; 18 persons were killed, and the homes and offices of politicians and officials were burned. On June 18, large mobs marched on different parts of Imphal, the capital of Manipur. The mobs set fire to a number of buildings, including the legislative assembly hall, the chief minister's office, and the legislative speaker's residence. The All Manipur Students Union (AMSU) called on all 60 members of the state legislature to resign. In response to these disturbances, the Government revoked the extended ceasefire on July 27.

Surrenders by militants in the northeast, often under Government incentive programs, have been common in recent years. Surrendered militants usually are given a resettlement and retraining allowance and other assistance. In Andhra Pradesh, the state government offers a financial package to surrendered PWG militants, a program that has prompted hundreds of Naxalites to leave the movement in recent years. According to human rights activists and journalists, a few surrendered militants have been allowed to retain their weapons and are working for the police as anti-PWG officers, residing in police camps and barracks. Human rights groups allege that police use former-militants to kill Naxalites and human rights activists with close links to the PWG, although police attribute such killings to internal feuds within the PWG. There were 431 surrenders by PWG militants between January and August.

In Tripura a systematic surrender of arms by a faction of NLFT insurgents and NLFT fringe groups is due to the increased security pressure and to infighting within NLFT insurgent ranks. Since 2000 a few hundred militants have surrendered in small groups to the security forces, handing in their weapons.

Elsewhere in the northeast, Bodo-Santhal ethnic clashes, which began in 1998, continued throughout the year. More than 87,000 persons live under poor conditions in relief camps in Assam's Kokrajhar, Gosaigaon, and adjoining districts as a result of the ongoing violence between Bodos and Santhals. The killings of ULFA leaders' family members during the year renewed concerns about the situation in Assam. On January 4, unidentified assailants shot and killed three relatives of two ULFA militants, including two relatives of ULFA deputy commander in chief Raju Baruah. In addition, Avinash Bordoloi and two other Surrendered ULFA's (SULFA's) in Nalbari district were killed by ULFA militants. On June 25, five tribal militants were killed and several were injured during a series of encounters between NLFT and ATTF at Takarjala in Tripura.

Militant groups in Manipur, Tripura, and Assam continued to attack civilians. On June 24, three persons were killed and five others were kidnaped by NLFT militants in West Tripura when militants stormed into a village and dragged persons out of their homes.

During the year, in Tripura several persons were killed by the NLFT. For example, on June 4, NLFT members attacked a passenger jeep in which three persons, including a student, were killed. Communal tension rose following a tribal militant attack in which three Bengalis were killed and three were kidnaped.

In March suspected NDFB militants shot 7 non-Assamese in Kamrup District, Assam, and ULFA militants shot 3 persons in Nalbari District. In June NDFB militants shot 10 tribal woodcutters in Kokrajhar District, apparently because the cutters had defied an NDFB ban on tree falling in the area. In Assam on November 22, NDFB and ULFA rebels killed 11 persons and injured 7, when a bomb and a grenade were exploded in Sibsagar district. On the same day, NDFB militants shot 3 woodcutters belonging to a minority community in Palki Jhora village. In April 2000, United People's Democratic Solidarity (UPDS) militants lined up 11 non-Karbi laborers in the Dhansari Reserve Forest in Karbi Anglong district and shot at them. (The UPDS is a Karbi radical group fighting for greater autonomy for the Karbis; Karbis are tribal peoples native to Karbi-Anglong district.)

In Manipur 100 persons including 30 civilians, 57 militants, and 13 security force personnel were killed in clashes with militants during the year. The Manipur government declared a month-long ceasefire with militants in March, but 19 persons were killed in counterinsurgency incidents after the ceasefire went into effect. In Manipur 18 militant groups were reportedly active, including outlawed Meitei organizations. Exchanges of gunfire between security forces and insurgent groups occurs regularly.

In Tripura between January 1 and May 15, continued separatist-related violence resulted in the deaths of 132 persons including 89 civilians, 27 security force personnel, and 16 militants. On March 3, NLFT militants killed 11 CRPF personnel and 2 drivers of security vehicles in Bampur in Tripura.

Between January and May, there were 31 insurgency-related incidents in Nagaland in which 4 civilians and 17 militants were killed. The Government's negotiations with Naga separatists over a cease-fire caused significant unrest in Nagaland and in neighboring states. In one incident in June, police fired teargas shells into a crowd of more than 10,000 demonstrators who were protesting the extension of the Naga ceasefire beyond Nagaland's borders at Nambol in Bishnupur district of Manipur; police also attacked demonstrators with batons. At least 35 persons were injured.

In the north-central states of Bihar, Jharkhand, Orissa, and West Bengal, clashes between police officers and Naxalite Maoist Revolutionaries of the Peoples' War Group (PWG) have occurred since the 1980's. On August 9, PWG members attacked two police stations and killed seven persons, including five policemen. The police sometimes respond with violence; for example, on January 24, an activist of the Communist Party of India Liberation Front was killed and five others injured with police fired on a procession of the Naxalite party in Gaya district of Bihar (see Section 2.b.). According to police, 89 Naxalites were killed in armed encounters during the first 8 months of the year. During the late 1990's, hundreds of policemen and suspected Naxalites were killed, according to press reports and human rights organizations. Twenty years of guerrilla-style conflict between state authorities and Naxalites have led to serious human rights abuses committed by both sides.

Militant groups in Jammu and Kashmir increasingly targeted members of the security forces and civilians during the year. According to the Kashmir Times, there were 931 attacks by militant groups against the police and security forces, resulting in the deaths of 515 personnel, compared with 384 deaths of police and security forces in 2000. The number of security personnel injured, but not killed, in these attacks was twice as high as for the same period in 2000, according to police sources. In January two civilians and four terrorists were killed in a suicide attack claimed by Lashkar-e-Tayyiba on the heavily-guarded Srinagar, Kashmir airport. On January 14, Jammu and Kashmir Chief Minister Farooq Abdullah narrowly escaped injury in a grenade attack by Hizb-ul-Mujahideen militants in Srinagar. In March the Chief Minister alleged that killings of civilians and security forces by militants had increased during the Government's ceasefire. In June unknown assailants shot a political party worker in Budgam District, Jammu and Kashmir. In November four soldiers were killed and five were injured when LET terrorists attacked an army camp in Anantnag District, Jammu and Kashmir.

In August 2000, terrorists from Harkat-ul-Jehade Islami reportedly killed six Hindu villagers and seriously wounded seven in the Rajouri district in Jammu (see Section 5). According to Human Rights Watch (HRW), in August 2000, militants killed three elderly men and a teenage boy, and wounded two other persons when they fired automatic weapons at civilians in a village in Udampur (see Section 5). Militants also carried out attacks on security forces that killed numerous persons (see Section 1.g.). In December 2000, six militants with concealed weapons entered Delhi's Red Fort, an historic monument that also houses an army unit, during a regularly scheduled sound and light show for the public. The militants opened fire on the crowd, killing a soldier and two civilians. The Lashkar-e-Tayyaba terrorist group later claimed responsibility for the attack. Also in December 2000, city police raided a Delhi apartment and shot and killed Abu Shamal, whom they claimed to be Lashkar-e-Tayyaba terrorist involved in the Red Fort attack.

Killings of security force members by militants in Jammu and Kashmir increased for the fourth year in a row. According to official statistics, 515 police and security force personnel were killed in the state during the year. The Ministry of Home Affairs reported that 397 security force members were killed in the state in 2000.

Nearly 50 persons were killed in violence related to the May state assembly elections and local elections in several states (see Sections 1.g. and 4).

Religious and ethnically motivated violence caused numerous deaths (see Section 5).

Mob lynchings of tribal people occur in many states (see Section 5).

b. Disappearance.—According to human rights groups, unacknowledged, incommunicado detention of suspected militants continued in Jammu and Kashmir. In October the state government of Jammu and Kashmir stated that during the last 6 years, 2,250 persons were reported missing. The state government claimed that most of those who disappeared were young men who crossed into Pakistan-controlled Kashmir for training in terrorist camps.

The Ministry of Home Affairs reported that 645 suspected militants were arrested in 2000 and 104 persons surrendered. In comparison, according to the Jammu and Kashmir police, 744 suspected militants were arrested in 1999 and 109 persons surrendered. Human rights organizations allege that the decline in the number of militants arrested is consistent with reports that security forces are killing many militants captured in encounters (see Section 1.a.); that pattern continued during the year. Of those arrested and who surrendered in 1998, 529 persons were released after preliminary questioning, 457 persons were charged under special security laws, and the remaining persons were released at a later stage of judicial review. In addition the Jammu and Kashmir police stated that in 1998 it held 514 persons under the Public Safety Act (PSA). According to an AI report that was released in 2000, there were between 700 and 800 unsolved disappearances in Kashmir since 1990. The Home Ministry reported that security forces in the northeastern states arrested 1,383 suspected militants in 2000; an additional 2,057 militants surrendered during that year. In comparison, 1,413 suspected militants were arrested, and 1,080 militants surrendered in 1999. The Government was unable to provide complete statistics for the number of persons held under special security laws in the northeastern states, but acknowledged that 43 persons were in detention under the National Security Act as of 1998. Although the Government allowed the Terrorist and Disruptive Practices (Prevention) Act (TADA) to lapse in 1995, one human right organization credibly reported that more than 1,000 persons remained in detention awaiting prosecution under the law. Several thousand others are held in short-term (1-day to 6-months' duration) confinement in transit and interrogation centers.

Chundrakpam Ongabi Sumila reported to the Families of the Involuntarily Disappeared's Association (FIDAM) that on May 7, her husband was taken by armed men while the couple was waiting for their child's doctor. Her husband has not been seen since. The armed kidnapers are suspected to be Assam Rifles. When Sumila reported the incident to the police, she was told that her husband was suspected to have links with the Kangleipak Communist Party (KCP).

Human rights groups maintain that several hundred more persons are held by the military and paramilitary forces in longterm unacknowledged detention in interrogation centers and transit camps in Jammu and Kashmir and in the northeastern states that nominally are intended for only shortterm confinement. Human rights groups fear that many of these unacknowledged prisoners are subject to torture and extrajudicial killing (see Sections 1.a. and 1.c.). In August 2000, AI reported that the fates of up to 1,000 persons reported missing in Jammu and Kashmir since 1990 remain unexplained by authorities. The U.N. Special Rapporteur on Torture reported in 1997 that more than 15,000 habeas corpus petitions have been filed in the country since 1990, "but that in the vast majority of these cases the authorities had not responded to the petitions." In August 2000, AI appealed to the Government to investigate the growing number of disappearances in Jammu and Kashmir. At year's end, there had been no update on the case of M. Akbar Tantray, who was reported missing in February 2000. At year's end, the Union Defense Secretary had not issued a report on the whereabouts of Abudul Rashid Wani (missing since July 1997), as requested by the NHRC in February 2000. There were no developments in the 1996 disappearance of human rights monitor Jalil Andrabi, nor in the 1997 disappearances of eight persons in Jammu and Kashmir. As of December 1997, 55 cases of disappearances and custodial death still were pending against Border Security Force personnel in Jammu and Kashmir (see Sections 1.a. and 1.c.). In September 2000, the NHRC issued a notice to the Chief Secretary and Director General of Police in Jammu and Kashmir and the Secretaries of the Union Home and Defense Ministries requiring them to report on missing persons in the state within 8 weeks; however, there was no public information regarding the authorities complied with the directive.

The Government maintains that screening committees administered by the state governments provide information about detainees to their families. However, other sources indicate that families are able to confirm the detention of their relatives only by bribing prison guards. For example, in May 2000 the People's Union for Civil Liberties (PUCL) published an appeal by Sunita Majumdar, the mother of Partha Majumdar, who was taken from his home by police in District 24 Parganas, West Bengal, in September 1997, and has not been seen since. Police have provided no information in the case despite a request from the State Human Rights Commis-

sion. Partha Majumdar was a witness to an alleged police shooting that left one person dead. In May 2000, the State Human Rights Commission recommended that a criminal investigation be initiated against police involved in the incident. The state government of West Bengal has refused the Commission's request. A program of prison visits by the International Committee of the Red Cross (ICRC), which began in October 1995, is designed in part to help assure communications between detainees and their families. During the year, the ICRC visited approximately 1,000 detainees in about 20 places of detention. All acknowledged detention centers in Jammu and Kashmir, and Kashmiri detainees elsewhere in the country were visited. However, the ICRC is not authorized to visit interrogation centers or transit centers, nor does it have access to regular detention centers in the northeastern states (see Sections 1.c. and 4). In 2000 the ICRC stated that it "encountered mounting difficulties in maintaining systematic access to people detained in connection with the situation in Jammu and Kashmir."

In Punjab the pattern of disappearances prevalent in the early 1990's appears to have ended. Hundreds of police and security officials were not held accountable for serious human rights abuses committed there during the counterinsurgency of 1984-94. However, steps were taken against a few such violators. The CBI claims to be pursuing actively charges against dozens of police officials implicated in the "mass cremations" cases wherein police in Amritsar, Patti, and Tarn Taran district secretly disposed of bodies of suspected militants. The militants are believed to have been abducted, extrajudicially executed, and cremated without the knowledge or consent of their families. The CBI in its report to the Supreme Court in December 1996 stated that Punjab police secretly had cremated over 2,000 bodies in Tarn Taran; of these, 585 bodies had been identified fully, 274 had been identified partially, and 1,238 were unidentified. Most reportedly were killed by Border Security Force officers while they were attempting to enter the country from Pakistan, were unidentified victims of accidents or suicide, or died in clashes between militant factions. However, 424 persons apparently were militants killed in the interior of the district, 291 of whom subsequently were identified. These numbers demonstrate the extent of the violence during those years and, given the pattern of police abuses prevalent during the period, credibly include many persons killed in extrajudicial executions. The NHRC is seeking to obtain compensation for the families of those victims whose remains were identified, but the Government has challenged the NHRC's jurisdiction in the cases. In September 1998, the Supreme Court upheld the right of the NHRC to investigate the cases. In August 1998, the Committee for the Coordination on Disappearances in Punjab (CCDP) member and former Supreme Court Justice Kuldeep Singh presented the Chief Minister of Punjab with a list of approximately 3,000 persons who either were missing or had died in encounters with security forces during the period of unrest in Punjab. Former Justice Singh also announced that the CCDP would form a three-member commission to investigate the mass cremations. The Commission received little cooperation from state government authorities and made little progress during the year (see Section 4).

AI in its April 2000 report on human rights defenders in the country expressed concern that Punjab police officials continued to obstruct the judicial inquiry into the death of human rights monitor Jaswant Singh Khalra, hindering efforts to probe the Tarn Taran cremations. Khalra was investigating the cremation of unidentified bodies by Tarn Taran police. Several witnesses observed Punjab police officials arrest Khalra outside his Amritsar home in September 1995. Police officials subsequently denied that they had arrested Khalra, and he has not been seen since. One of the suspects in the arrest subsequently died, reportedly by suicide; none of the others were charged by year's end. One human rights organization credibly alleged that police intimidated a witness in the case in August 2000, threatening to kill him if he testified against them. These events prompted extended public debate over the accountability of Punjab police for abuses committed while suppressing a violent insurgency. According to human rights monitors in Punjab, approximately 100 police officials either were facing charges, were prosecuted, or were under investigation for human rights abuses at year's end.

There are credible reports that police throughout the country often do not file required arrest reports. As a result, there are hundreds of unsolved disappearances in which relatives claim that an individual was taken into police custody and never heard from again. Police usually deny these claims, countering that there are no records of arrest. On April 14, four persons were arrested and taken away by BSF officers in Churachandpur district. All four were arrested after an encounter between the BSF and militants, and were taken to an unknown location. The Manipur Human Rights Commission said there was no arrest memo, and the four had not been handed over to the police. The Commission lodged a complaint with the Director General of Police, and on April 23, the four were handed over to the police. At

year's end, they remained in police custody. In Manipur 14-year-old Yumlebam Sanamacha of Thoubal district has been missing since soldiers arrested him in February 1998. The army reportedly detained him because of his alleged links with insurgent groups. There was a judicial inquiry into the Sanamacha case in 1999 in which the Army stated that Sanamacha had been arrested but later escaped.

Militants in Jammu and Kashmir and the northeastern states continued to use kidnappings to terrorize the population, seek the release of detained comrades, and extort funds. Sometimes kidnaped persons later were killed (see Sections 1.a. and 1.g.). According to government figures, there were 1,369 kidnappings in the northeastern states during 2000. There were no significant new developments in the case of the 1995 kidnappings of American, British, German, and Norwegian nationals, despite police cooperation with foreign diplomats.

On January 28, Tripura police discovered the skeletons of four villagers who had been kidnaped by armed insurgents in 1999. No one has been prosecuted in connection with this incident. Also on January 28, armed NLFT militants kidnaped a villager who was a CPM worker from Dhalai district. On July 25, Parthapratim Roy Burman, the owner of one of Calcutta's leading shoe manufacturers, was kidnaped from a busy locality in the middle of the day. On August 5, armed militants kidnaped two executives, Sambhu Nath and Ram Avtar Chakravarty, of Binakandi tea estate in south Assam's district. On August 6, NLFT militants kidnaped 6 persons, including 2 tea estate officials from Rangrung tea estate in North Tripura.

In August, seven Hindu youths were kidnaped by militants in the Rajouri district of the Kashmir valley in Jammu and Kashmir. When security forces pursued their abductors, they killed 4 of the kidnapers, but 3 were able to escape with the victims. In a forest area of Doda district, a group of Hindu shepherds were kidnaped and killed by militants in August (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture, and confessions extracted by force generally are inadmissible in court; however, torture is common throughout the country, and authorities often use torture during interrogations. In other instances, they torture detainees to extort money and sometimes as summary punishment.

The U.N. Special Rapporteur on Torture has reported that the security forces systematically torture persons in Jammu and Kashmir in order to coerce them to confess to militant activity, to reveal information about suspected militants, or to inflict punishment for suspected support or sympathy with militants. Information is not made public regarding instances of action taken against security force personnel in Jammu and Kashmir for acts of torture.

In February, a 30-year-old man from Surankot, Kashmir was detained by soldiers from the Rashtriya Rifles regiment on suspicion of terrorism. His legs allegedly had been set on fire and the skin peeled off by the soldiers. After his release, he was unable to walk home and had to be carried by his family. In other cases of arrest and torture were brought before the NHRC during the year, Gulzar Ahmad Ganie died of his injuries after his release from detention, and students Shiraz Ahmad Khan and Syed Malik both died after allegedly being tortured. Police abuses against indigenous people include torture (see Section 5).

The U.N. Special Rapporteur on Torture noted that methods of torture included beating, rape, crushing the leg muscles with a wooden roller, burning with heated objects, and electric shocks. Because many alleged torture victims die in custody, and others are afraid to speak out, there are few firsthand accounts, although marks of torture often have been found on the bodies of deceased detainees. The U.N. Special Rapporteurs on Torture and on Extrajudicial Killings renewed their requests to visit the country during the year. The Home Ministry extended an invitation in April to the Special Rapporteur on torture, subject to certain limitations; by year's end, the visit had yet to be scheduled. The Home Ministry did not extend an invitation to the Special Rapporteur on Extrajudicial Killings.

The prevalence of torture by police in detention facilities throughout the country is supported by the number of cases of deaths in police custody (see Section 1.a.). Delhi's Tihar jail is notorious for the mistreatment of prisoners, with 1 of every 11 custodial deaths occurring there. Police and jailers typically assault new prisoners for money and personal articles. In addition police commonly torture detainees during custodial interrogation. Although police officers are subject to prosecution for such offenses under Section 302 of the Penal Code, the Government often fails to hold them accountable. On March 13, a Mumbai district court ordered an inquiry into alleged torture of prisoner Yunus Fakir Mohammad Shaikh, who was detained by police at the Dongri police station. Yunus told the court, "My head was put underneath water, and I was assaulted with whips and lathis (canes). They banged my head against the wall." The doctor's report, obtained by a Mumbai newspaper, showed that Yunus's injuries were caused by a blunt instrument, not by a fall in

the bathroom as the police claimed. During the year, no action was taken in this case. In Uttar Pradesh in March, the NHRC ordered the state government to pay \$1,044 (50,000 Rs) compensation to Tajender Rajoura, who was beaten in an Agra jail after his arrest during a Congress Party protest march.

Police also tortured other citizens. On March 27, a local human rights group in Nanded District complained to the state's director general of police that on March 1, local police physically abused three local citizens who had questioned discrepancies in the post-mortem report of a 12-year-old rape victim. According to PUCL, in April a 14-year-old girl allegedly was abducted, tortured with electric shocks, and raped for 6 days by the Patiala police (see Section 1.g. and 5). At year's end, no police officer has been charged.

In its latest report on West Bengal, AI has criticized West Bengal Chief Minister Buddhadeb Bhattacharya for his comment in January that "the police should ruthlessly tackle criminals and see to it that the message of human rights does not get the better of them." In Uttar Pradesh in March, the NHRC ordered the state government to pay 1,044US (50,000 Rs) compensation to Tajender Rajoura, who was beaten in an Agra jail after his arrest during a Congress Party protest march.

There also were incidents in which police beat journalists (see Section 2.a.), demonstrators (see Section 2.b.), and Muslim students (see Section 2.c.). Police also committed abuses against tribal people (see Section 5).

The rape of persons in custody is part of the broader pattern of custodial abuse. Limits placed on the arrest, search, and police custody of women appear effectively to limit the frequency of rape in custody, although it does occur on occasion. According to *The Times of India*, a tribal woman alleged that she was raped by three Special Task Force personnel in October. She stated that the personnel forced their way into her home to obtain information about militants. In November, according to the *Times of India*, a High Court ordered an inquiry into an alleged custodial gang rape of a girl who had been arrested in connection with militancy. Mary Lushai alleged that three policemen raped her in Manu police station in Dhalai district. In September 2000, a 16-year-old girl suspect arrested on suspicion of petty theft was raped by two policemen in a police van in West Bengal. On February 2, the chief of the detective department submitted a report stating that the reported rape was "baseless and far from the truth"; however, the victim had become pregnant, reportedly as a result of the attack. In August, the girl was awarded \$1,044 (50,000 Rs) as compensation by the divisional bench of the Calcutta High Court. However, the Government has not disciplined or charged the police officers involved in the incident, despite repeated requests from the court.

NGO's claim that rape by police, including custodial rape, is more common than NHRC figures indicate. Although evidence is lacking, a higher incidence of abuse appears credible, given other evidence of abusive behavior by police and the likelihood that many rapes go unreported due to a sense of shame and a fear of retribution among victims.

Human rights monitors allege that on July 19, 2000, Central Reserve Police Force (CRPF) personnel raped a tribal housewife in Lamdam village, Manipur. They allege that the rape was committed in retaliation for an attack carried out on a CRPF patrol by People's Liberation Army militants the previous day (see Section 1.g.).

There is a pattern of rape by paramilitary personnel in Jammu and Kashmir and the northeast as a means of instilling fear among noncombatants in insurgency-affected areas (see Section 1.g.), but it is not included in NHRC statistics because it involves military forces. According to an NGO in Kashmir, there were 200 rapes by paramilitary personnel in 2000.

From April 1998 to March 1999, the NHRC received 1,297 complaints of custodial death (1,114 in judicial custody and 183 in police custody), no cases of custodial rape, and 2,252 complaints of other police abuses. By 2000, the NHRC had not released the statistics of its actions against police during this time period. However, from April 1997 to March 1998, the NHRC received 1,012 complaints of custodial death (819 in judicial custody and 193 in police custody), 1 case of custodial rape, and 1,413 complaints of other police excesses. As a result of NHRC action during 2000, criminal prosecutions were brought against 43 persons; departmental action was taken against 60 officers, 51 of whom were placed under suspension; and monetary compensation in amounts ranging from \$1,100 (50,000 Rs) to \$2,100 (100,000 Rs) were recommended for payment in 20 cases.

According to press reports, prison officials used prisoners as domestic servants and sold female prisoners to brothels (see Sections 5, 6.c., and 6.f.).

The U.N. Special Rapporteur on Torture stated in 1997 that, in Jammu and Kashmir, torture victims or their relatives reportedly have had difficulty in filing complaints because local police were issued instructions not to open a case without permission from higher authorities. In addition the Armed Forces (Jammu and Kash-

mir) Special Powers Act provides that unless approval is obtained from the central Government, no "prosecution, suit, or other legal proceeding shall be instituted . . . against any person in respect of anything done or purported to be done in exercise of the powers of the act." This provision allows the security forces to act with virtual impunity.

The Government occasionally uses excessive force in putting down demonstrations. Five persons died and dozens were injured on August 12 in Chennai in an opposition rally (see Section 1.a.). According to the police, three deaths were the result of police firing on rioters. Several journalists also were injured, allegedly in police baton charge (see Section 2.a.). The police action was widely condemned as excessive use of force.

The Government also occasionally uses excessive force against tribal people. In Gadchiroli on March 27, police claimed that they shot a Naxalite in the jungles of Maraknar when he fired at them. Human rights groups alleged that the man was not a Naxalite but a Madia tribal people who was out fishing, and that the police shot him in the leg while he was trying to run away, took him to the police station, and beat him to death (see Sections 1.a., 1.c. and 5). The witnesses to the incident were arrested by the police. On April 2, police shot and killed 5 tribal persons in Madhya Pradesh. The electronic media has highlighted these deaths and has reported that the police claim that the deaths occurred in an armed attack by Naxalites on government personnel, while local grassroots organizations say that the deaths were the result of a resistance to corrupt and brutal police by tribal persons. The Government of Madhya Pradesh has ordered an inquiry into the killing.

Police corruption undermines efforts to combat trafficking in women and children (see Section 6.f.).

Security forces killed and injured numerous militant group members, many in so-called encounter deaths, particularly in Jammu and Kashmir and the northeastern states (see Section 1.a.).

Militant groups sometimes used automatic weapons, hand grenades, bombs, landmines, and other weapons in political violence in Jammu and Kashmir and the northeastern states; numerous security forces and civilians were killed and injured.

Some militant groups in the northeast have used rape as a tactic to terrorize the populace; however, no cases are known to have been reported during the year.

Religiously motivated violence led to a number of deaths and injuries as well as damage to property (see Sections 1.a., 1.g., and 5).

Prison conditions are very poor. Prisons are severely overcrowded, and the provision of food and medical care frequently is inadequate.

Prisons operate above capacity because thousands of prisoners awaiting hearings (see Section 1.d.). The national average of persons awaiting hearings as a percentage of the prison population is over 60 percent. In Kashmir persons awaiting hearings make up 90 percent of prison population, and in Bihar 80 percent. Delhi's Tihar jail, with a designed capacity of 3,300 persons, houses 9,000 prisoners. Birsa Munda jail in Ranchi, Bihar, designed to hold 364 persons, houses more than 1,800 male and female prisoners. In May 2000, the PUCL visited Sakchi jail, Jamshedpur, Bihar, following complaints of abuse of prisoners. The human rights activists found that the prison, designed to hold 200 prisoners, housed 786 persons, of whom only 55 had been convicted; the rest were at various stages of the judicial process. AI reported that overcrowding in Arthur jail, Mumbai, led to rioting on June 19, 2000. Designed to hold 50 prisoners, Arthur jail has 180 inmates. Prison guards reportedly attacked inmates with razors and wooden poles to quell rioting that erupted following a fight between two prisoners. Forty inmates were injured in the incident. An August 3, 2000, report from Aizawl, Mizoram, stated that its central jail, designed to house 500 prisoners, had 846 inmates. The NHRC reported in February 2000 on its November 1999 visits to jails in Guwahati and Shillong. In Guwahati the commission found 780 inmates in a district jail designed to hold 507 (see Section 1.d.). In Shillong the commission found 374 inmates in the central jail, which was designed to hold 150 persons. One of the inmates was a 10- or 11-year-old girl awaiting trial. The Government prepared a national prison manual in 2000 to facilitate reform. It also continued to provide financial aid to the states. However, the Prison Act remains unamended. According to the SAHRDC, in the poorest states, such as Bihar, where 265 police stations have no lockup facilities, the lack of prisons led police to shackle prisoners to trees. Despite recommendations by the NHRC, no reform legislation has been passed to date.

The 910 deaths in judicial custody reported to the NHRC during the year, occurring in a prison population of approximately 279,000 persons, many of whom are held for years, include a large proportion of deaths from natural causes that in some cases were aggravated by poor prison conditions (see Section 1.a.). A study conducted by the NHRC found that tuberculosis was the cause of death in most deaths

in judicial custody. Deaths in police custody, which typically occur within hours or days of initial detention, more clearly imply violent abuse and torture. The NHRC has no authority to investigate abuses by security forces directly, and security forces in Jammu and Kashmir and the northeastern states are not required to report custodial deaths to the Commission. However, in January the NHRC requested that the Commission be informed of any custodial death within 2 months, and that a post-mortem report, magisterial inquest, and a videography of the post-mortem be provided to the NHRC.

In prison women are housed separately from men, in similar conditions. By law juveniles are to be detained in rehabilitative facilities; however, they are at times detained in prison, especially in rural areas. Pretrial detainees are not separated from the general prison population.

With the exception of an agreement with the ICRC for visits to detention facilities in Jammu and Kashmir, the Government does not allow NGO's to monitor prison conditions (see Section 4). However, 15 states and union territories have authorized the NHRC to conduct surprise check-ups on jails. Although custodial abuse is deeply rooted in police practices, increased press reporting and parliamentary questioning provide evidence of growing public awareness of the problem. The NHRC has identified torture and deaths in detention as one of its priority concerns. The NHRC's "Special Rapporteur and Chief Coordinator of Custodial Justice" helps implement its directive to state prison authorities to ensure that medical check-ups are performed on all inmates. In June 2000, the country's first women's correctional facility was opened in the Tihar complex in New Delhi.

d. Arbitrary Arrest, Detention, or Exile.—The Government has implemented a variety of special security laws intended to help law enforcement authorities fight separatist insurgencies, and there were credible reports of widespread arbitrary arrest and detention under these laws during the year.

Although the law that had been subject to the most extensive abuse, the TADA, lapsed in 1995, 1,502 persons previously arrested under the act continued to be held as of January 1, 1997, in a number of states, according to the NHRC's 1996–97 report. Human rights sources estimate that about 1,000 persons remained in custody under TADA or related charges at year's end. A small number of arrests under the TADA continued for crimes allegedly committed before the law lapsed. In 1997 the Government asserted that every TADA case would be reviewed; however, few persons have been released as a result of the review. Criminal cases are proceeding against most of those persons still held under the TADA, with more than 3,000 charged under other laws in addition to the TADA. In 1996 the Supreme Court eased bail guidelines for persons accused under TADA, taking into account the large backlog of cases in special TADA courts. In 1999 the state minister for home affairs told the Jammu and Kashmir state assembly that 16,620 persons had been detained under the TADA in the state since 1990; of these, 1,640 were brought to trial and 10 were convicted. Approximately 10,000 other persons either were released or still were awaiting a trial. TADA courts use abridged procedures. For example, defense counsel is not permitted to see witnesses for the prosecution, who are kept behind screens while testifying in court. Also, confessions extracted under duress are admissible as evidence. The special task force established by the state police forces of Karnataka and Tamil Nadu to capture a bandit hiding in forests in the border area between the 2 states had arrested some 121 persons under the TADA prior to the law's lapse; 51 of these persons still were in custody at year's end.

In October a Prevention of Terrorism Ordinance was promulgated, under which detention without charge for 3 months is allowed, not disclosing information to the authorities about terrorist activities is deemed an offense, and extensive new powers to ban organizations and seize their assets are established. This ordinance is similar to the TADA in that it permits detention for 30 days without trial, summary trials, and the use of testimony exacted under duress. The NHRC considers new antiterrorism laws unnecessary, and opposition parties plan to block the ordinance in Parliament before it becomes permanent. Similar bills have been proposed in various state assemblies. If enacted, they would provide for special courts to try offenses, place the burden of proof at the bail stage on the accused, make confessions to a police officer of the rank of superintendent of police admissible as evidence, extend the period of remand from 15 to 60 days, and set mandatory sentences for terrorism-related offenses. In Madhya Pradesh such a bill, designed to combat the Naxalites, was passed early in 2000, was not enacted because it failed to receive Presidential signature. The Maharashtra state assembly enacted TADA-like legislation in November 1999. By year's end, the capital territory of New Delhi decided to adopt Maharashtra's Control of Organized Crime Act.

The Constitution permits preventive detention laws in the event of threats to public order and national security. Under Article 22 of the Constitution, an individual

may be detained—without charge or trial—for up to 3 months, and detainees are denied their rights or compensation for unlawful arrest or detention. In addition to providing for limits on the length of detention, the preventive detention laws provide for judicial review. Several laws of this type remain in effect.

The National Security Act (NSA) permits the detention of persons considered to be security risks; police anywhere in the country (except for Jammu and Kashmir) may detain suspects under NSA provisions. Under these provisions the authorities may detain a suspect without charge or trial for as long as 1 year on loosely defined security grounds. The state government must confirm the detention order, which is reviewed by an advisory board of three High Court judges within 7 weeks of the arrest. NSA detainees are permitted visits by family members and lawyers, and must be informed of the grounds for their detention within 5 days (10 to 15 days in exceptional circumstances). The Government was not able to provide figures on how many persons were being detained nationwide under the NSA, but in 1997 there were 1,163 such persons. The NSA does not define “security risk.” Human rights groups allege that preventive detention may be ordered and extended under the act purely on the opinion of the detaining authority and after advisory board review. No court may overturn such a decision.

The Jammu and Kashmir Public Safety Act (PSA) covers corresponding procedures for that state. Over half of the detainees in Jammu and Kashmir are held under the PSA. Jammu and Kashmir police reported that 514 persons were being held under the PSA as of December 1998, the last year for which figures were available. Human rights groups say that the PSA’s sweeping powers, combined with a prisoner’s lack of access to family members or to a lawyer, lead to a recipe for abuse. On June 9, a series of detentions and arrests under the PSA followed protests over the killings of 6 women in Kashmir. Several members of the NGO Human Rights Front were detained for 1 day. Members of the Islamic Students League also were detained on the same day and placed in preventive detention, and one student leader was ordered detained for 2 years. In addition, Dr. Hubbi, a member of the All-Parties Hurriyat Conference (APHC) also was detained along with two other APHC leaders. Other APHC activists allegedly were beaten by police at the demonstration.

The Supreme Court has upheld the constitutional validity of the Armed Forces Special Powers Act (AFSPA). In a representation made to the NHRC, the SAHRDC asserted that the act’s powers were “too vast and sweeping and pose a grave threat to the fundamental rights and liberties of the citizenry of the (disturbed) areas covered by the act.” The SAHRDC asserted that the powers granted to authorities under Section 3 of the act to declare any area to be a “disturbed area,” and thus subject to the other provisions of the act, were too broad. Moreover, the SAHRDC noted that Section 4(a) of the act empowers any commissioned officer, warrant officer, noncommissioned officer, or any other person of equivalent rank in the armed forces to fire upon and otherwise use force, even to the point of death, if he believes that it is necessary for the maintenance of law and order. Further, Section 6 of the act states that “no prosecution, suit or other legal proceedings shall be instituted, except with the previous sanction of the central Government against any person in respect of anything done or purported to be done in exercise of powers” conferred by the act.

On June 30, 23,000 opposition party leaders and workers, mostly from the DMK party, were taken into preventive detention for 4 days in Tamil Nadu. Police organized the arrests to forestall civil disorder after the arrest of former DMK Chief Minister Karunanidhi on criminal conspiracy charges. Opposition leaders and human rights activists alleged that the roundup was unprecedented in scale and was intended to intimidate the opposition. The arrests led to the overcrowding of already congested jails. In Madurai Central prison, for example, 3,008 opposition figures joined 1,900 inmates in a facility designed for only 1,200 persons. Some of the opposition leaders taken into preventive detention were released after 4 to 5 days with no charges filed against them. None of these persons still are in jail following this mass arrest. In July the NHRC asked the Tamil Nadu state government to justify the arrests and explain apparent human rights violations. By year’s end, there has been no repose to the inquiry.

Human rights groups allege that between June and August, 30 members of teachers’ unions and other activist groups were detained by police in Warangal and Mahboobnagar on suspicion of P.W.G. membership. Some of the detainees allegedly were tortured by police, and the teachers reportedly were ordered to resign from their jobs.

The Constitution provides that detainees have the right to be informed of the grounds for their arrest, to be represented by counsel, and, unless held under a preventive detention law, to appear before a magistrate within 24 hours of arrest. At this initial appearance, the accused either must be remanded for further investiga-

tion or released. The Supreme Court has upheld these provisions. The accused must be informed of the right to bail at the time of arrest and may, unless held on a non-bailable offense, apply for bail at any time. The police must file charges within 60 to 90 days of arrest; if they fail to do so, court approval of a bail application becomes mandatory.

The court system is extremely overloaded, resulting in the detention of numerous persons awaiting trial for periods longer than they would receive if convicted. Prisoners may be held for months or even years before obtaining a trial date. According to a reply to a parliamentary question in July 1994, more than 111,000 criminal cases were pending in the Allahabad High Court, the most serious case backlog in the country, of which nearly 29,000 cases had been pending for 5 to 8 years. A statement to Parliament in July 1996 indicated that criminal and civil cases pending before the country's high courts numbered nearly 2.9 million in 1995, roughly the same as in 1994, but an increase from 2.65 million in 1993. According to the Union Home Ministry, the total number of civil and criminal cases pending for 3 or more years in all courts throughout the country was 5,116,895 on December 1998. In its latest report, the NHRC reported that nearly 80 percent of all prisoners held between April 1996 and March 1997, were so-called "under-trials," i.e., unconvicted remand prisoners awaiting the start or conclusion of their trials. In its 1997-98 report, the NHRC stated that it "remains deeply disturbed by the presence of a large number of under-trial prisoners in different jails in the country." In March 1999, the chairman of the NHRC said that 60 percent of all police arrests were "unnecessary and unjustifiable," and that the incarceration of those wrongly arrested accounted for 43 percent of the total annual expenditure on prisons. The NHRC reported in February 2000 on its November 1999 visits to jails in Guwahati (see Section 1.c.). The Commission found that 90 percent of the 780 inmates were unconvicted prisoners awaiting completion of trial.

In May the NHRC ordered the Madhya Pradesh government to pay \$6,500 (300,000 Rs) to brothers Manoj and Narendra Tak for their illegal detention in June 1998. The police had raided their house on a false complaint by Manoj's father-in-law. The Madhya Pradesh police took the brothers away to Gwalior, Madhya Pradesh, where they were implicated falsely in a local robbery case. In April 2000, the Madhya Pradesh government instituted a departmental inquiry into the matter and found that the Gwalior police had tried the brothers on a false complaint and had misused police authority to settle private scores. In February 2000, the NHRC directed the Orissa government to pay \$1,044 (50,000 Rs) as interim relief to a 16-year-old boy who was victim of illegal detention and torture by police at Kandhamal. Accused of theft, the boy was sent to a regular prison to await trial, rather than a juvenile home. In March the NHRC reported that it had directed the West Bengal government to pay \$1,044 (50,000 rupees) in compensation to the court guardian of a 12-year-old girl who was in the custody of the West Bengal police for nearly a decade because she was the sole witness to her parents' murder. On July 9, Bihar police registered a case against then-Bihar Minister of State for Cooperatives Lalit Yadav, his cousin, and four others for alleged illegal detention and torture of a truck driver and cleaner at the minister's residence. The complaint alleges that Yadav kept the two men in wrongful confinement for a month, beat them, and tortured them. The two men's toenails allegedly were pulled out and they were forced to drink urine. Yadav was dismissed from his state government post and from his political party membership.

On November 28, 2000, the Government announced that it was allocating \$108.15 million (5.03 billion Rs) to state governments for the creation of 1,734 additional courts during 2000-05, in order to hear more cases and reduce the number of remand prisoners. At year's end, 500 of these courts had been set up.

There were no political detainees reported during the year.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. Under a Supreme Court ruling, the Chief Justice, in consultation with his colleagues, has a decisive voice in selecting judicial candidates. The President appoints judges, and they may serve up to the age of 62 on the state high courts and up to the age of 65 on the Supreme Court.

Courts of first resort exist at the subdistrict and district levels. More serious cases and appeals are heard in state-level high courts and by the national-level Supreme Court, which also rules on constitutional questions. State governments appoint subdistrict and district judicial magistrates. High court judges are appointed on the recommendation of the federal Law Ministry, with the advice of the Supreme Court, the High Court Chief Justice, and the chief minister of the State, usually from among district judges or lawyers practicing before the same courts. Supreme Court

judges are appointed similarly from among High Court judges. The Chief Justice is selected on the basis of seniority.

When legal procedures function normally, they generally assure a fair trial, but the process often is drawn out and inaccessible to poor persons. The Criminal Procedure Code provides for an open trial in most cases, but it allows exceptions in proceedings involving official secrets, trials in which statements prejudicial to the safety of the State might be made, or under provisions of special security legislation. Sentences must be announced in public. Defendants have the right to choose counsel from attorneys who are fully independent of the Government. There are effective channels for appeal at most levels of the judicial system, and the State provides free legal counsel to the indigent. Defendants are allowed to question witnesses against them, present their own witnesses and evidence, and have access to government evidence held against them; however, under the Prevention of Terrorism Ordinance, preventive detention can be authorized for up to 180 days, effectively shifting the burden of proof to the defendant.

Muslim personal status law governs many noncriminal matters involving Muslims, including family law, inheritance, and divorce. The Government does not interfere in the personal status laws of the minority communities, with the result that personal status laws that discriminate against women are upheld.

In Jammu and Kashmir, the judicial system barely functions due to threats by militants against judges, witnesses, and their family members; because of judicial tolerance of the Government's heavy-handed antimilitant actions; and because of the frequent refusal by security forces to obey court orders. Courts in Jammu and Kashmir are reluctant to hear cases involving terrorist crimes and fail to act expeditiously on habeas corpus cases, if they act at all. There were a few convictions of alleged terrorists in the Jammu High Court during the year. Many more accused militants have been in pretrial detention for years. In April 2000, the Jammu and Kashmir Home Minister submitted a written statement to the state assembly acknowledging that 115 foreign militants (primarily from Pakistan, but reportedly also from Afghanistan and Tajikistan) jailed in the state and elsewhere had not been tried, despite the fact that many of them had been imprisoned for 10 years (see Section 1.d.).

Criminal gangs in all four southern states have been known to attack rivals and scare off complainants and witnesses from court premises, denying free access to justice. In some cases, accused persons have been attacked while being escorted by police to the courts.

The U.N. Special Rapporteur on the Independence of the Judiciary to visit the country during the year, but the Government did not grant the Rapporteur permission to do so.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The police must obtain warrants for searches and seizures. In a criminal investigation, the police may conduct searches without warrants to avoid undue delay, but they must justify the searches in writing to the nearest magistrate with jurisdiction over the offense. The authorities in Jammu and Kashmir, Punjab, and Assam have special powers to search and arrest without a warrant.

The government Enforcement Directorate (ED), which is mandated to investigate foreign exchange and currency violations, searches, interrogates, and arrests thousands of business and management professionals annually, often without search warrants. However, the ED ultimately convicts very few persons. According to official figures, in 1999, the latest year for which figures are available, there were 387 searches or raids by the ED, resulting in 107 prosecutions and 29 convictions.

The Indian Telegraph Act authorizes the surveillance of communications, including monitoring telephone conversations and intercepting personal mail, in case of public emergency or "in the interest of the public safety or tranquillity." Every state government has used these powers, as has the central Government.

In June the Information Technology Act was passed. The Act includes provisions that grant the police powers to search premises and arrest individuals without a warrant. Under the act, the maximum sentences for failing to provide information to the Government on request and transmitting "lascivious" material are 1 year and 5 years respectively. The act also requires Internet cafes to monitor Internet surfing and inform the authorities (see Section 2.a.). At year's end, one person had been arrested under the act, he was released after some confusion about the nature of the alleged offense. NGO's criticized the act, stating that its provisions were draconian.

The Government does not restrict citizens' personal appearance; however, in Kashmir and Manipur dress codes have been announced. The Kanglei Yawon Kanna Lup in Manipur has announced a dress code for the state's women that bans the wearing of saris, salwar kameez, and trousers. The group has threatened to punish

with death women who violate the code and it urged women to wear the traditional Phaneek and Chador on all occasions, but allowed girls to wear salwars as school uniforms. In Kashmir, the terrorist group, Lashkar-e-Jabba has ordered Muslim women to dress in burqas, Hindu women to wear bindis, and Sikh women to wear identifying saffron headscarves (see Sections 2.c. and 5).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Government forces continue to commit numerous serious violations of humanitarian law in the disputed state of Jammu and Kashmir. Between 350,000 and 450,000 army and paramilitary forces are deployed in Jammu and Kashmir, although the Government does not release official figures. The Muslim majority population in the Kashmir valley suffers from the repressive tactics of the security forces. Under the Jammu and Kashmir Disturbed Areas Act, and the Armed Forces (Jammu and Kashmir) Special Powers Act, security force personnel have extraordinary powers, including authority to shoot suspected lawbreakers and those persons disturbing the peace, and to destroy structures suspected of harboring militants or arms.

The Union Home Ministry was unable to estimate how many civilians were killed in crossfire by security forces in Jammu and Kashmir during the year. The security forces continue to abduct and kill suspected terrorists, but they do not accept accountability for these abuses. Many commanders' inclination to distance their units from such practices has led to reduced participation in them and a transfer of some of these abuses to government-supported countermilitants.

According to credible reports, in addition to harassment during searches and arbitrary arrests (see Section 1.d.), security forces abduct and sometimes use civilians as human shields in night patrolling and searching for landmines; the abuses so far have occurred mostly in the Kupwara and Doda districts. Because of Doda's inaccessibility, the abuses there allegedly have been underreported greatly. In April in Danipora, South Kashmir, soldiers of the Indo-Tibetan Border Police told passengers on a public bus to move to the side from which they expected militants to fire. A woman was shot and her baby killed.

The incursion of Pakistan-backed armed forces into territory on the Indian side of the line of control in the state of Jammu and Kashmir resulted in an increased counterinsurgency campaign, accompanied by repressive offensive measures. According to a credible government source, as of early December 1999 over 450 militants had been killed since the Kargil conflict began. That trend continued, with reliable sources reporting that security forces had killed 1,239 militants during the year. In September 1999, then chief of army staff General Ved Malik said that security forces were killing 150 to 160 militants every month in Jammu and Kashmir.

Kashmiri militant groups also committed serious abuses. Militants carried out several execution-style mass killings of Hindu (Pandit), Sikh, and Buddhist villagers in Jammu and Kashmir (see Sections 1.a. and 5). Militant groups also killed police officers and members of the security forces. In January in Rajouri district, 15 persons were shot, apparently by militants, in their homes. Also in January, militants stormed a police control room in Srinagar, killing 8 policemen. In July a suicide attack by Lashkar e Tayyiba terrorists on an army camp in Magam, Kupwara District, killed five soldiers. Another Lashkar e Tayyiba attack on an army convoy in Khanabal killed four soldiers.

In addition to political killings, kidnappings, and rapes of politicians and civilians (see Sections 1.a., 1.b., and 1.c.), insurgents engaged in extortion and carried out acts of random terror that killed hundreds of Kashmiris. Many of the militants are not citizens but Afghani, Pakistani, and other nationals. Since the 1990's, the militants have made liberal use of time-delayed explosives, landmines, hand grenades, and snipers. Militants previously had restricted landmine use to army convoys traveling outside of major cities, but during the year they used command-detonated landmines in Srinagar city. There was a significant upsurge in militant violence against security forces, and a tendency to use heavy weapons such as hand grenades and rockets. Militants killed and injured numerous security personnel and destroyed a great deal of security force property; many civilians also were killed. On September 26, an explosion derailed 7 coaches of a passenger train, injuring 25 persons and seriously wounding 3. Twelve persons, including five assailants, were killed when a suicide squad stormed the Parliament in New Delhi on December 13. On October 1, 38 persons were killed in a suicide attack at the assembly in Kashmir by suspected Islamic militants. At least 30 persons, including 8 civilians, were killed by cross-border shootings on October 27 after militants blew up a police jeep, killing 5 officers. Four persons including a judge were killed on December 5 when their vehicle was ambushed by militants. In January 2000, a bomb explosion in a Srinagar market killed 16 persons, including 3 security force members. In March 2000, militants hurled hand grenades at a police patrol in Bandipora town, killing 3 civilians

and injuring 11 others. In April 2000, a 15-year-old boy recruited by militants died in an explosion when he attempted to drive an explosive laden car into army headquarters, Srinagar; four soldiers and three civilians were injured in the attack. In May 2000, four soldiers were killed when their vehicle hit a landmine planted by militants at Nihalpura village, Baramula district.

Extremist and terrorist activities in the Northeast also claimed many lives. In addition to ambushes, terrorists increasingly resorted to destroying bridges, and the laying of time bombs on roads, on railway tracks, and in trains. In April week-long fighting between 2 Naga insurgent groups left more than 45 persons dead; 4,500 persons were forced to flee 15 villages in Mon district (see Section 2.d.). In 2000 at Pahalgam, armed militants descended on a camp of Hindu religious pilgrims and fired automatic weapons at the pilgrims' tents, the unarmed civilians in the camp, their local porters and guides, and nearby army personnel, killing 32 persons, primarily unarmed civilians. In February 2000, Assam Minister for Public Works and Forests Nagen Sharma and four others were killed when suspected ULFA militants detonated an explosive device as the minister's vehicle passed a near Nij-Bahjani, Nalbari district. In March 2000, suspected ULFA militants attempted to kill a second Assam minister, Hiranya Konwar. They detonated an improvised explosive device as the minister's car neared Rongali Doegarh, Sivasagar district; no persons were injured in the attack. In May 2000, 5 persons were killed and 11 others were injured when militants threw a hand grenade into a passing jeep at Manikerbasti, west Tripura. Also on May 2000, UBLF militants lobbed bombs at a passenger jeep from north Maharaniapur in Khowai, killing 5 tribal and injuring 11 others. The next day, 15 persons were killed when suspected NLFT militants threw hand grenades at Bengali villagers in Baghber village, Tripura. The militants then attacked villagers with machetes and set fire to 60 homes in the village.

In October, in Jarkhand state, Naxalites attacked a police station, killing 12 policemen and looting weapons. In February 2000, a Naxalite mine blast killed 21 persons in Bihar (see Section 5). In March 2000, Naxalites killed Andhra Pradesh minister for local government A. Madhava Reddy in a landmine explosion near Hyderabad. Reddy was returning from a political rally. As home minister in the state from 1994–95, Reddy had overseen anti-Naxalite operations. In a letter to the PUCL, G.N. Saibaba, general secretary of the All India People's Resistance Forum; Varavara Rao, executive member of the Revolutionary Writers Association; and Gadar, general secretary of the All India League for Revolutionary Culture alleged that police had summarily executed three unarmed members of CPI(M) on February 1. The three writers alleged that police detained the three victims—Kumar, Sujanta, and Venkanna—in Musmi village, Warangal district. The PUCL alleges that police killed five women in an April 2000, encounter in the Chandragiri Hills, Warangal district, Andhra Pradesh. According to the human rights organization, police surrounded the women and lobbed hand grenades at them, killing them.

During the year, police arrested numerous persons suspected of involvement in previous terrorist attacks and brought charges against some suspects. Charges also were brought against persons accused of involvement with human suicide bomb attacks to advance Sikh separatism, as well as against dozens of captured separatist insurgents in Jammu and Kashmir for bombings, killings, and acts of sabotage.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, there are some limitations. A vigorous and growing press reflects a wide variety of political, social, and economic beliefs. Newspapers and magazines regularly publish investigative reports and allegations of government wrongdoing, and the press generally promotes human rights and criticizes perceived government lapses.

Under the Official Secrets Act, the Government may restrict publication of sensitive stories; nonetheless, while the Government at times interprets this power broadly to suppress criticism of its policies, the Government introduced a right to information bill in the 2000 Monsoon Session of Parliament. However, later in 2000 the bill lapsed; it was reintroduced and at year's end it was pending approval in Parliament. According to the government press agency, Prasar Bharati, in the electronic media 90 percent of the channels are private, and 10 percent are operated by a semi-autonomous body which is controlled by the Government. In the print media, all publications are private. The wire services both are semi-autonomous.

The Newspapers Incitements to Offenses Act remains in effect in Jammu and Kashmir. Under the act, a district magistrate may prohibit the press from publishing material resulting in incitement to murder or any act of violence. As punishment the act stipulates that the authorities may seize newspapers and printing

presses. Despite these restrictions, newspapers in Srinagar, the capital of Jammu and Kashmir, report in detail on alleged human rights abuses by the Government, and regularly publish press releases of Islamic militant Kashmiri groups. The authorities generally allowed foreign journalists to travel freely in Jammu and Kashmir, where they regularly spoke with militant leaders and filed reports on government abuses.

Journalists covering civil conflicts have been vulnerable to national security laws. During the year, the Prevention of Terrorist Ordinance (POTO) was promulgated again after having faced strong opposition when introduced in 2000. With the likely implementation of the POTO, journalists could face a series of problems. For example, the bill contains provisions that would compel journalists to tell authorities what they know of terrorist activities for face possible jail terms. Under the POTO, a journalist potentially could be jailed for an unspecified period of time for the refusal to reveal information about alleged criminal or terrorist sources. Like its predecessor, the TADA, the proposed bill would dispense with constitutional guarantees for due process, allowing for preventive detention. In Assam the state government has attempted to impede criticism by filing a number of criminal defamation charges against journalists.

The Press Council of India is a statutory body of journalists, publishers, academics, and politicians, with a chairman appointed by the Government. Designed to be a self-regulating mechanism for the press, it investigates complaints of irresponsible journalism and sets a code of conduct for publishers. This code includes a commitment not to publish articles or details that might incite caste or communal violence. The Council publicly criticizes newspapers or journalists it believes have broken the code of conduct, but its findings, while noted by the press community, carry no legal weight.

At the state level, regional political parties have the ability to censor regional media. In some instances, allegations of violence against journalists have been made against state governments. According to Reporters Without Borders, in July 2000, a magistrate in Sibsagar town, Assam, beat Parag Saikia, a journalist of the daily newspaper Aji. The magistrate reportedly had summoned the journalist for publishing a July 2000, article about the local authorities' alleged involvement in corruption. The journalist later was admitted to the hospital with various injuries. In July and August 2000, in the state of Andhra Pradesh, state police obstructed or attacked journalists and photographers in at least 10 different cities as they attempted to report on civil disturbances resulting from protests over power tariff hikes.

In Calcutta the CPI(M) often threatens journalists; however, as the power of the party diminishes, journalists find it easier to criticize the government. At least nine journalists in 2000 were injured while attempting to give a deputation to the director of information. The alleged assailants were state information officers, government employees owing allegiance to the Marxist government. In July 2000, alleged members of the CPI(M) severely beat a team of three reporters and a cameraman of ETV, a new vernacular cable television channel. Another reporter was injured severely in state finance minister Asim Dasgupta's constituency during municipal elections (see Section 3). On numerous occasions, CPI(M) supporters beat reporters of another Bengali cable channel, Khas Khobor. Earlier in 2000, CPI(M) officially requested its supporters to boycott the channel. The matter was resolved when a former CPI(M) activist replaced the editor.

Nonviolent pressure on journalists comes from official sources as well: the editor of the vernacular daily newspaper Naharolgi Thoudang was arrested in 2000 on charges of indulging in antinational activities. He was released after a court ruled that the allegation was baseless. In Assam a similar incident occurred as police intercepted the editor of the largest Assamese daily in April 2000, accusing him of having participated in a function organized by a militant organization. In April 2000, the Assam Human Rights Commission requested the police to report on the detention of Asomiya Pratidin editor Haider Hussain for visiting an ULFA camp in Bhutan; police detained Hussain in the first week of March. The Commission cited the constitutional guarantee of freedom of expression; Hussain was released several days later. Some newspapers receive more than \$1.29 million (60 million Rs) annually in advertising revenue from the state government. The threat of losing this revenue contributes to self-censorship by smaller media outlets, which heavily rely on government advertising.

The Government maintains a list of banned books that may not be imported or sold in the country; some—such as Salman Rushdie's "Satanic Verses"—because they contain material government censors have deemed inflammatory.

In the northeast part of the country, violence against journalists has become a problem and also results in significant self-censorship. The Asian Age reported on

April 26 that a mob made up of members of Shiv Sainiks attacked special correspondent Vaibhav Purandare in Mumbai. The newspaper stated that the attack was without provocation. According to the CPJ, on May 10, 17 journalists were attacked by members of the Border Security Force (BSF).

The attack by the BSF left 11 persons dead, 8 of them civilians, and 3 journalists were hospitalized. The attack occurred in Magam, Kashmir, while the journalists were covering a funeral procession. The Associated Press reported that the BSF inspector-general apologized for the attack; the police investigation into the incident was ongoing at year's end. On June 20, Uttar Banga Sambad reported that two electronic media journalists were attacked in Malda by a contractor's agents while trying to take photographs of the work done under the supervision of the local governing body.

On June 26, two foreign journalists who had been detained by the Assam police for allegedly having met United Liberation Front of Assam (ULFA) militants in Bhutan were released. An official spokesman stated that they were detained for interrogation because there were reports that government they had met ULFA militants in an area where many militants are known to be located.

On June 27, Tamil Nadu police arrested Suresh, a Sun TV reporter, after he and other local journalists accompanied an opposition leader to a government storehouse. According to press reports, the journalist was charged with threatening the staff of the storehouse. After the arrest, 150 media workers were taken into custody while attempting to hold a demonstration demanding the release of Suresh. The government of Tamil Nadu released Suresh from prison on June 29, but the charges against him still are pending.

Intimidation by militant groups causes significant self-censorship by journalists. According to the Committee to Protect Journalists, assaults on journalists in Kashmir decreased compared from past years, however the local press continued to face pressure from militant groups attempting to influence coverage. The state-owned broadcast media, generally viewed as sources for this dissemination of information by the federal government, remained a target. Militants fired three rifle-propelled grenades at the national Doordarshan television (DDTV) network in Srinagar, on March 18 and detonated a bomb outside the compound of Radio Kashmir on April 15. No one was injured in these incidents. On May 23, Tripura Darpan reported that the house of Mrinal Shara, a correspondent for an Assamese daily, was attacked by a group of armed youths who threatened him for his reporting.

Pradeep Bhatia, a photographer for the national daily The Hindustan Times, was killed in Srinagar on August 10 in a bombing explosion carried out by the Kashmiri group Hizb-ul-Mujahideen. However, a Hizb-ul-Mujahideen spokesman claimed that the attack was aimed at the Indian security forces and expressed regret over Bhatia's death.

According to the CPJ, in January 2000, English-language newspapers throughout Gujarat received written notice from the Bajrang Dal, a radical Hindu nationalist group, threatening them with dire consequences if they continued to publish exaggerated reports of anti-Christian violence (see Sections 2.c. and 5). In 1999 Kashmiri militant groups threatened journalists and editors and even imposed temporary bans on some publications that were critical of their activities.

On July 5, a Bengali-language daily in Guwaati reported that an employee of Aajir Asam newspaper was beaten severely by police while he was returning home from his office. On August 12, 12 members of the press were injured when police charged them with batons while they were reporting on a DMK rally. According to local news reports, the police also destroyed cameras and film owned by the photographers who recorded the incident. The government of Tamil Nadu and the Press Council of India ordered an investigation into the incident by a Joint Commissioner.

In July 2000, V. Selvaraj, a journalist with the biweekly Nakkeeran, was shot and killed in Perambalur, Tamil Nadu. Thirteen persons were charged in connection with Selvaraj's killing. A motive for the killing has not been established; however, local police maintain that there was personal enmity between Selvaraj and his 13 assailants. The trial had not begun by year's end.

Television no longer is a government monopoly, but this is due more to technological changes than to government policy. Private satellite television is distributed widely by cable or dish in middle-class neighborhoods throughout the country. These channels have been providing substantial competition for DDTV, the national broadcaster, in both presentation and credibility because DDTV frequently is accused of manipulating the news for the benefit of the Government; however, cable operators are not free of criticism. In some parts of the country, to varying degrees, satellite channel owners use their medium to promote the platforms of the political parties that they support.

Certain government measures to control objectionable content on satellite channels—specifically, tobacco and alcohol advertisements—are still in effect and hold cable distributors liable under civil law. Cable operators in New Delhi and some other areas held a 3-day blackout during the Olympic Games in 2000 to demonstrate their concern over the measures. The Government since has clarified its position, stating that the (often foreign) satellite broadcasters, rather than the domestic cable operators, fall within the scope of the regulation.

AM radio broadcasting remains a government monopoly. Private FM radio station ownership was legalized during 2000, but licenses only authorize entertainment and educational content. Licenses do not permit independent news broadcasting.

A government censorship board reviews films before licensing them for distribution. The board censors material deemed offensive to public morals or communal sentiment. In 2000 Hindu fundamentalist groups resorted to violence and disrupted the shooting of “Water,” a film involving the exploitation of widows, as they claimed it offended Hindu sentiments. Producers of video newsmagazines that appear on national television are required to submit their programs to DDTV which occasionally has censored stories that portrayed the Government in an unfavorable light. This has led to self-censorship among producers, so that DDTV rarely has to exercise its power of censorship.

The Government limits access to the Internet. The Informational Technology Act, passed in May 2000, provides for censoring information on the Internet on public morality grounds, and it considers “unauthorized access to electronic information” a crime. According to Reporters Without Borders, this law allows police officers to search the homes or offices of Internet users, at any time and without a warrant. Anyone running an “anti-Indian” site risks up to five years in prison. In March 2000, Sikhbir Singh Osan lost his press accreditation because a web site he allegedly ran provided information about Sikhs community and reports on human rights abuses against the Sikhs. During the monsoon session of parliament, the Government introduced a Convergence Communication Bill that seeks to set up a common regulatory body for telecommunication, information technology, and broadcasting. The bill was referred to a select committee of Parliament and has yet to be passed.

Academic freedom is not restricted, and students and faculty espouse a wide range of views. In addition to about 10 national universities and 256 state universities, states are empowered to accredit locally run private institutions.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. The authorities sometimes require permits and notification prior to holding parades or demonstrations, but local governments ordinarily respect the right to protest peacefully, except in Jammu and Kashmir, where separatist parties routinely are denied permits for public gatherings. During periods of civil tension, the authorities may ban public assemblies or impose a curfew under the Criminal Procedure Code.

Srinagar and other parts of Jammu and Kashmir occasionally came under curfew, but more often were affected by strikes called by militants.

On February 2, eight tribal villagers were killed when police fired on a group of persons protesting against the Koel-Karo dam project. The state government ordered an inquiry into the incident (see Section 5). In June two tribal activists were killed after police fired on a group protesting the partisan attitude of the local police in a molestation case (see Section 1.c.). While the police claim that the demonstrators were armed and attacked police, local human rights activists allege that they were peaceful and unarmed.

In March 2000, Calcutta police beat primary school teachers participating in a peaceful procession to the legislative assembly, after holding a meeting on demands they had made of the state government. On August 13 and 14, 2000, police killed two persons and injured three others after they fired on a crowd of 1,500 Muslims in Agra. The crowd had gathered to protest efforts by majority Hindus to prevent them from using a plot of land close to a Hindu temple. The minority community wanted to use the land, which was under the supervision of Muslim religious authorities, as a graveyard. Police allege that the protesters turned violent, throwing bombs and bottles filled with acid at police. The police maintain that they fired at the crowd with live ammunition only after efforts to quell the disturbance with tear gas and rubber bullets had failed. Some of the protesters told reporters that the police actions were unprovoked (see Sections 1.a. and 1.g.).

According to AI, in August 2000 the Gujarat government detained approximately 600 persons who were planning to attend a hearing on the Narmada dam (see Section 2.d.). The police charged the protestors with disturbing the peace and released them shortly after their arrests.

The Constitution provides for the right to form associations, and the Government generally respected this right in practice.

In 1999 the Government introduced and enforced a new requirement that NGO's secure the prior approval of the Ministry of Home Affairs before organizing international conferences. Human rights groups contend that the requirement provides the Government with substantial political control of the work of NGO's, abridging of their freedom of assembly and association.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, it sometimes does not act effectively to counter societal attacks against religious minorities and attempts by state and local governments to limit religious freedom. India is a secular state in which all faiths generally enjoy freedom of worship; government policy does not favor any religious group. However, tension between Muslims and Hindus, and to an increasing extent between Hindus and Christians, continues to pose a challenge to the secular foundation of the State (see Section 5). In addition governments at state and local levels only partially respect religious freedom.

Although the law provides for religious freedom, enforcement of the law has been poor, particularly at the state and local levels, where the failure to deal adequately with intragroup and intergroup conflict and with local disturbances has abridged the right to religious freedom. In particular, some Hindu extremist groups continued to attack Christians during the year. In many cases, the Government response was inadequate, consisting largely of statements criticizing the violence against Christians, with few efforts to hold accountable those persons responsible or to prevent such incidents from occurring (see Section 5). Throughout the year, the Government generally described the violence and attacks as a series of isolated local phenomena, in some states calling for a national debate on conversions, which Hindus had advocated being banned.

The Government is led by a coalition called the National Democratic Alliance, which has pledged to respect the country's traditions of secular government and religious tolerance. However, the leading party in the coalition is the Bharatiya Janata Party (BJP), a Hindu nationalist political party with links to Hindu extremist groups that have been implicated in violent acts against Christians and Muslims. The BJP also leads state governments in Gujarat, Himachal Pradesh, and Uttar Pradesh. Many BJP leaders and party workers are members of the Rashtriya Swayamsewak Sangh (RSS) and share some of its ideology. However, the BJP is an independent political party, and the degree of RSS influence over its policy making is not clear. The RSS espouses a return to Hindu values and cultural norms. Members of the BJP, the RSS, and other affiliated organizations were implicated in incidents of violence and discrimination against Christians and Muslims. The BJP and RSS officially express respect and tolerance for other religions; however, the RSS in particular opposes conversions from Hinduism and believes that all citizens should adhere to Hindu cultural values. The BJP officially agrees that the caste system should be eliminated, but many of its members are ambivalent about this. The BJP's traditional cultural agenda includes calls for construction of a new Hindu temple to replace an ancient Hindu temple that was believed to have stood on the site of a mosque in Ayodhya that a Hindu mob destroyed in 1992; for the repeal of Article 370 of the Constitution, which grants special rights to the state of Jammu and Kashmir, the country's only Muslim majority state; and for the enactment of a uniform civil code that would apply to members of all religions.

In mid-October 2000, the RSS held a 3-day rally in Agra, which more than 75,000 Hindus reportedly attended. Speaking at the rally, RSS chief K.S. Sudarshan sparked controversy when he called for banning foreign churches and creating a national Christian Church based on the Chinese model. Sudarshan reportedly also encouraged Christian citizens to free themselves from the strong influence of foreign countries by setting up Indian nationalistic churches. Of particular concern for minority groups was Home Minister L.K. Advani's highly publicized participation at the Agra rally and vocal support of the RSS on his return to New Delhi. All of these proposals are opposed strongly by some minority religious groups. The BJP-led national Government took no steps to implement these controversial measures and has promised that it would not do so during its tenure.

In December 2000, a Christian school near Ranchi in Jharkand state decided to close after a series of attacks, including assaults and an alleged rape, against teachers and staff. The police blamed a local criminal gang for the assaults, and arrested four persons. One policeman was suspended for dereliction of duty.

On March 23, alleged BJP and RSS activists attacked a Christian congregation at Chevalla in Andhra Pradesh. The alleged reason behind the attacks was the pervasive perception that Christians were encouraging conversions of Hindus.

In late March, some Christian leaders, believing that violence against Christians had declined significantly since the summer of 2000, agreed among themselves to meet with leaders of Hindu organizations. Under the aegis of the NCM, talks were proposed to discuss conversions, the issue of a "swadeshi" (i.e. indigenous) church, and attacks on Christians. However, by year's end, such talks had not begun, as neither Christians nor Hindus had been able to reach agreement on their respective positions.

On May 7, a Christian priest, Father Jaideep, was attacked in Jatni town, Orissa. Local citizens who were enraged by the priest's distribution of pamphlets to propagate Christianity in a Hindu-dominated area allegedly participated in the attack.

During the year, the RSS angered minority communities by publicly challenging the "Indian-ness" of religious minorities. On December 31, RSS chief K. Sudarshan addressed a meeting of volunteers of the Hindu Swayamsewak Sangh (a global organization of expatriate Hindus) in a suburb of Mumbai. He said that only the RSS can serve as the bulwark against what he claimed was the Catholic Church's agenda of converting large Asian populations.

On March 8, Sudarshan again made a speech advocating the "Indianization" of Islam and Christianity. He said that "they should sever their links with the Mecca and the Pope and instead become swadeshi." Catholics took special exception to this; the Archbishop of Delhi pointed out that the Indian Christian church is 2,000 years old (traditionally dating from the Apostle Thomas), and that although the spiritual head was the Pope, the day-to-day administration of the church was entirely in Indian hands. The RSS published an article entitled "Foreign Missionaries, Quit India: RSS" in their journal *The Organiser*, in which they attacked missionary-backed Christian institutions in the country.

Citizens often refer to schools, hospitals, and other institutions as "missionary" even when they are owned and run entirely by indigenous Christian citizens. By using the adjective "missionary," the RSS taps into a longstanding fear of foreign religious domination.

Christian leaders detected a slight decrease in the incidents of violence against their community and also a change in the type of incidents. In late April, a spokesman for the Catholic Bishops' Conference of India said that while the incidents of violence against the Christian community had decreased in the previous 6 to 8 months, "that does not mean that the threat perception has also decreased" among Christians. The Government found that 80 percent of attacks on minorities were motivated by local incidents, economic arguments, or intradenominational feuds.

By year's end, the trial continued in Orissa of Dara Singh, a member of the Hindu extremist Bajrang Dal, who was arrested on January 31, 2000, for the Staines murders. In October 2000, a 13-year-old member of the mob responsible for the murders was sentenced to 14 years in prison. The trial of the other 14 arrested persons still was proceeding at year's end. In May a witness in the trial identified Dara Singh as the person who put straw under Staines' car and set it on fire. Previously, witnesses had been unwilling to identify Dara Singh.

In Christian majority areas, Christians sometimes are the oppressors. In Tripura there were several cases of harassment of non-Christians by Christian members of the National Liberation Front of Tripura (NLFT), a militant tribal group with an evangelical bent. For example, NLFT tribal insurgents have prohibited Hindu and Muslim festivals in areas that they control, cautioned women not to wear traditional Hindu tribal attire, and prohibited indigenous forms of worship. In Assam, where the population is increasing rapidly, the issue of Bangladeshi migrants (who generally are Muslim) has become very sensitive among the Assamese (predominantly Hindu) population, which considers itself to be increasingly outnumbered.

Human rights groups and others have suggested that the response by authorities in some states to acts of violence against religious minorities by Hindu extremist groups has been ineffective, at least in part because of the links between these groups and the BJP, and have noted that the ineffective investigation and prosecution of such incidents may encourage violent actions by extremist groups. Some Christian groups also claim that BJP officials at state and local levels have become increasingly uncooperative. The Government also has been criticized for not attempting to restrain the country's radical Hindu groups.

The degree to which the BJP's nationalist Hindu agenda is felt throughout the country with respect to religious minorities varies depending on the region. In some states, governments made efforts to reaffirm their commitment to secularism. In others, mainly in the south, religious groups allege that since the BJP's rise to power in the national Government, some government bureaucrats have begun to enforce laws selectively to the detriment of religious minorities. The situation in the east varied. For example, the Orissa government in November 1999 notified churches that religious conversions could not occur without notification of the local police

and district magistrate. The Orissa Freedom of Religion Act contains a provision requiring a monthly government report on the number of conversions and requiring a police inquiry into conversions, but this provision has not been enforced.

No registration is required for religions. Legally mandated benefits are assigned to certain groups, including some groups defined by their religion. For example, some states reserve jobs and educational enrollment slots for Muslims, who do not benefit from reservations designed to help lower-caste Hindus.

In May the Government banned Deendar Anjuman, a Muslim group many of whose members were arrested in connection with a series of church bombings in Karnataka in 2000. The Government banned the group for "fomenting communal tension" and actions "prejudicial to India's security." During the year, the Government arrested, tried and sentenced members of Deendar Anjuman implicated in the Karnataka church bombing.

The Religious Institutions (Prevention of Misuse) Act makes it a criminal offense to use any religious site for political purposes or to use temples for harboring persons accused or convicted of crimes. While specifically designed to deal with Sikh places of worship in Punjab, the law applies to all religious sites. The state of Uttar Pradesh passed the Religious Buildings and Places Act during the state assembly budget session of March-May 2000. The act requires a state government-endorsed permit before construction of any religious building may commence in the state. The act's supporters claim that its aim is to curb the use of Muslim institutions by Islamic fundamentalist terrorist groups, but the measure has become a controversial political issue among religious groups in the northern part of the country. In West Bengal legislation is in force requires any person desiring to construct a place of worship to obtain permission from the district magistrate.

There is no national law that bars proselytizing by Christian citizens. Foreign missionaries generally may renew their visas, but since the mid-1960's the Government has refused to admit new resident foreign missionaries. New arrivals enter as tourists on short-term visas. During the year, as in the past, state officials refused to issue permits for foreign Christian missionaries, as well as other persons, to enter some northeastern states, on the grounds of political instability in the region. This restriction is not levied specifically against Christians. Many foreigners, including diplomats, are refused permits to the country's northeastern states on the grounds of political instability in the region. Missionaries and religious organizations must comply with the Foreign Contribution (Regulation) Act (FCRA), which restricts funding from abroad and, therefore, the ability of certain groups to finance their activities. The Government is empowered to ban a religious organization if it has violated the FCRA, has provoked intercommunity friction, or has been involved in terrorism or sedition.

In March 2000, the government of Gujarat convinced a BJP legislator to withdraw a bill that sought to regulate Christian missionary activity within the state; the bill was written to prohibit "forced" or "induced" conversions—a crime that would have been punishable by a fine and up to 3 years in prison. In May 2000, the Gujarat government withdrew permission for state government workers to engage in RSS activities; however, in January 2000, the Gujarat state government revoked such a ban on activities for state workers. Despite these steps by the state and national governments to address communal concerns, many in the minority communities continued to express unease about BJP rule.

The legal system accommodates minority religions' personal status laws; there are different personal laws for different religious communities. Religion-specific laws pertain in matters of marriage, divorce, adoption, and inheritance. For example, Muslim personal status law governs many noncriminal matters involving Muslims, including family law, inheritance, and divorce. The personal status laws of the religious communities sometimes discriminate against women. Under Islamic law, a Muslim husband may divorce his wife spontaneously and unilaterally; there is no such provision for women. Islamic law also allows a man to have up to four wives but prohibits polyandry. Under the Indian Divorce Act, a Christian woman may demand divorce only in cases of spousal abuse and certain categories of adultery; for a Christian man, adultery alone is sufficient. In 1997 the Mumbai High Court recognized abuse alone as sufficient grounds for a Christian woman to obtain a divorce. Hindu groups such as the RSS are pushing for a uniform civil code that would treat members of all religions alike.

The Government continued to review legislation on marriage; it passed the Indian Divorce (Amendment) Act during the year; the Act widely had been criticized as biased against women. The act places limitations on interfaith marriages and specifies penalties, such as 10 years' imprisonment, for clergymen who contravene its provisions. Under the act, no marriage in which one party is a non-Christian may be celebrated in a church.

Violent attacks against Christians by Hindus, which began in late 1998, continued during the year. In general, religious minorities in the northern area of the country claim that the regional governments' attitudes toward their communities have deteriorated since the BJP assumed power in 1998, and are concerned that attacks on religious minorities no longer appear to be confined to Gujarat and Orissa. In the north, sporadic attacks against Christians that began in April 2000 continued into the summer of 2000. The Government dispatched the NCM to investigate the attacks in the north, but the NCM's findings that the attacks were not "communal in nature" led to widespread criticism in the minority community. There is strong evidence that the NCM report misrepresented the victims by claiming that the victims were entirely satisfied that there was no religious motivation behind the violence; in fact, Christian groups in the north believe that these incidents were religiously motivated. Victims of the incidents claim that the local police were not responsive either before or during the attacks. By year's end, no arrests had been made.

The eastern part of the country presented a varied picture with regard to religious freedom during the year. Sporadic attacks continued but were not concentrated in one geographical area. The political leanings of the state governments in the eastern region did not appear to correlate with their level of protection for religious freedom. In Orissa, which has been known for violence against religious minorities (particularly after the murders of Australian missionary Graham Staines and his two young children there in January 1999), the communal situation remained relatively unchanged during the year, despite the installation of a BJP-Biju Janata Dal (BJD) government in February 2000. The Orissa government in November 2000 notified churches that religious conversions could not occur without the local police and district magistrate being notified in order to give permission; however, this does not appear to have been enforced. The Orissa Freedom of Religion Act contains a provision requiring a monthly report from the state on the number of conversions; district officials are required to keep such records. After a conversion has been reported to the district magistrate, the report is forwarded to the authorities, and a local police officer conducts an inquiry. The police officer can recommend in favor of or against the intended conversion, and is often the sole arbitrator on the individual's right to freedom of religion; if conversion is judged to have occurred without permission from the district magistrate or with coercion, the authorities may take penal action. There were no reports that the district magistrate denied permission for any conversions. There were several attacks by Hindu groups against Christian institutions in Uttar Pradesh in April 2000 (see Section 5). The BJP government in Uttar Pradesh initiated an investigation by intelligence agencies into the June 2000, custodial killing of a witness, Vijay Ekka (see Sections 1.a. and 5); the Government also announced plans to set up a judicial inquiry by a sitting judge from the state High Court. The Mathura superintendent of police was transferred because of the Ekka killing; however, no further information was uncovered and no other persons were held accountable by year's end.

On June 26, the NHRC ordered states affected by Hindu-Christian violence to provide written reports detailing the violence against Christians and the actions taken by state governments. No reports were made public by year's end, and according to human rights activists, states had not submitted them.

On occasion, Hindu-Muslim violence led to killings and a cycle of retaliation. In some instances, local police and government officials abetted the violence, and at times security forces were responsible for abuses. Police sometimes assisted the Hindu fundamentalists in perpetrating violent acts (see Section 5). In April the state's Chief Minister Digvijay Singh strongly stated that his government would deal equally strictly with any violence committed by either Hindu or Muslim fundamentalist groups. Following riots in Ahmedabad, Gujarat from August 5 to 7, 2000 some police officers allegedly forced some Muslim residents to sing the Sanskrit anthem to prove that they were not "antinational" (see Section 5). Government officials allegedly also subjected Christian-affiliated foreign relief organizations to arbitrary roadblocks; many of these organizations are not engaged in religious activities (see Section 4). In a few instances, state governments investigated and sometimes arrested suspects in cases of anti-Christian violence. For example, after an Australian missionary was killed in Orissa in 2000 (see Section 5), several suspects were arrested. During the year, these suspects were tried under the Central Bureau of Investigation (CBI), and the trial is continuing at year's end.

The Government has taken steps to promote interfaith understanding. The National Integration Council is a nonstatutory body with an objective of maintaining social tranquility and communal harmony. The NCM and the NHRC have appointed members and are tasked respectively with protecting the rights of minorities and protecting human rights. These governmental bodies investigate allegations of dis-

crimination and bias, and can make recommendations to the relevant local or central government authorities. These recommendations generally are followed, although they do not have the force of law.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens generally enjoy freedom of movement within the country except in certain border areas where, for security reasons, special permits are required.

Vehicle checkpoints, at which Border Security Forces routinely search and question occupants, are a common feature throughout most of Jammu and Kashmir. It also is common for police to block entry and exit points in preparation for gathering young males for police lineups. These searches tend to focus on troubled areas, as opposed to the mass searches that were common in the past. According to a credible source, such search operations seldom yield any results. There are frequent curfews in areas of conflict, including in New Delhi in recent years. Under the Passports Act, the Government may deny a passport to any applicant who “may or is likely to engage outside India in activities prejudicial to the sovereignty and integrity of India.” The Government uses this provision to prohibit the foreign travel of some government critics, especially those advocating Sikh independence and members of the violent separatist movement in Jammu and Kashmir. In April 2000, the Government prevented four members of a Kashmir human rights organization from traveling to the 56th U.N. Commission on Human Rights (UNCHR) meeting in Geneva (see Section 4). Abdul Majid Banday, Mohammad Tufail, Mohannad Amin Bhat, and Abdul Rashid Lone, had valid passports and letters of accreditation as members of a U.N.-recognized NGO, but authorities prevented them from boarding their flight.

Citizens may emigrate without restriction.

In September 2000, the PUCL reported that Bangalore police arrested 30 persons peacefully demanding access to public information on construction of the Bangalore-Mysore information corridor. The Karnataka government has proposed acquiring more than 20,000 acres of land in 168 villages. Those arrested were concerned about the status of farmland and homes in the village resulting from the planned government construction of an expressway between the two cities.

In October 2000, the Supreme Court ruled that construction of the Sardar Sarovar Dam on the Narmada River in Gujarat could begin immediately, reaching a height of 90 meters, and could proceed in stages thereafter up to a finished height of 138 meters. The ruling stipulated that those displaced by the dam would be compensated. However, many human rights advocates and NGO’s continued to allege that the construction of the dam would displace 40,000 families without adequately compensating those who are resettled (see Section 2.b.). Opponents, led by the Narmada Bachao Andolan, maintain that neither the state of Maharashtra nor the federal government has the means to resettle persons as they previously have promised.

Bodo-Santhal ethnic clashes, which began in April 1998, continued throughout the year. In December four Santhal woodcutters were killed by Bodo militants. More than 87,000 persons live under poor conditions in relief camps in Assam’s Kokrajhar, Gosaigaon, and adjoining districts as a result of the ongoing violence between Bodos and Santhals.

The incursions of Pakistan-backed armed forces into territory on the Indian side of the line of control in Jammu and Kashmir and the Indian military campaign to repel the intrusion continued during the year, and allegedly forced many residents of Jammu and Kashmir from their homes, a number of whom allegedly took refuge on the Pakistani side of the line of control. Many had their homes destroyed. Since 1999 artillery shelling of the region by Pakistan has kept many of the internally displaced persons from returning and driven others from their homes. In October 2000, Jammu and Kashmir home minister Mustaq Ahmad Lone told the state assembly that 43,510 persons remained displaced since 1999 (see Sections 1.a., 1.c., and 1.g.).

Since 1990 more than 235,000 Bangladeshis have been deported, many from Maharashtra and West Bengal. The occasional deportation of Bangladeshis judged to have entered the country illegally continued during the year, but there was no repetition of the systematic roundup of Bangladeshis for mass deportation that has been conducted by the Maharashtra government in the past. The Government estimates that there are 10 million Bangladeshis living illegally in the country. In August 2000, the Supreme Court ordered the central Government to repeal the Illegal Migrants Determination by Tribunal (IMDT) Act by January. The court ruled that the law, which largely is aimed at illegal Bangladeshi immigrants, is being applied only in Assam, and therefore is discriminatory. By year’s end, the order had not been complied with. The central Government acknowledged that the law had been applied discriminatorily and was aimed at Bangladeshis, but claimed that it was un-

able to repeal the act due to a lack of consensus on doing so in Parliament. The Congress Party, which governs the state of Assam, is opposed to the repeal of the act, and stalled its repeal in Parliament.

The law does not contain provisions for processing refugees or asylum seekers in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, nor is there a clear national policy for the treatment of refugees. The office of the U.N. High Commissioner for Refugees (UNHCR) has no formal status, but the Government permits the UNHCR to assist certain groups of refugees (notably Afghans, Iranians, Somalis, Burmese, and Sudanese). The U.N. High Commissioner for Refugees, Sadako Ogata, visited the country in May 2000 (see Section 4).

The Government has not permitted the UNHCR to assist other refugee groups, including Sri Lankan Tamils, to whose camps in Tamil Nadu the Government continued to bar access by the UNHCR and NGO's (see Section 4). The Government provides first asylum to some refugees, most notably in recent years to Tibetan and Sri Lankan Tamil refugees. However, this policy was applied inconsistently. For example, the insistence of some border authorities on the presentation of passport and visas by those claiming refugee status occasionally has resulted in individuals or groups being refused admittance. This has occurred in recent years in cases involving Chin and Rakhine refugees from Burma, and Afghans who entered the country through Pakistan. The UNHCR reports that the country continues to host the largest urban refugee population in the region, roughly 90 percent of whom are from Afghanistan. Refugees are not required to make claims in other countries. Cramped and unhygienic conditions reportedly exist in some of the camps for Sri Lankan Tamils in Tamil Nadu. In April the UNHCR announced that it would stop assisting the Burmese refugees in the country (most from western Burma) with monthly subsistence allowances. However, the UNHCR continued to assist extremely needy refugees including women and children.

The Government recognizes certain groups, including Chakmas from Bangladesh, Tamils from Sri Lanka, and Tibetans as refugees and provides them with assistance in refugee camps or in resettlement areas. According to UNHCR and government statistics, there were approximately 110,000 Tibetans, approximately 64,990 Sri Lankan Tamils in 131 camps, and perhaps as many as 80,000 Sri Lankan Tamils outside of the camps living in the country at year's end. The refugees in the camps are permitted to work, and the state and central governments pay to educate refugee children and provide limited welfare benefits. Many Chakmas from Bangladesh have been repatriated voluntarily, including all of the estimated 56,000 persons who had been residing in Tripura. Some 80,000 Chakma permanent residents remain in Arunachal Pradesh and Mizoram; the Supreme Court has upheld their right to citizenship. However, the Supreme Court's order to extend citizenship to this group still had not been enforced by year's end. The UNHCR reported that 11,642 Afghans, 857 Burmese, and approximately 350 others were receiving assistance from the UNHCR in the country as of August 31. The Government also assisted an unknown number of persons from Tibet and Sri Lanka. Although the Government formally does not recognize these persons as refugees, it does not deport them. Instead, they received renewable residence permits or their status was ignored. Increasingly during the year, some of these groups—Afghans, Iraqis, and Iranians in particular—were not granted renewal of their residence permits by the authorities on the grounds that they were not in possession of valid national passports. Due to financial and other reasons, many refugees were unable or unwilling to obtain or renew their national passports and therefore were unable to regularize their status in the country.

The Tamil Nadu government provides educational facilities to Sri Lankan Tamil refugee children, and the central Government provides some assistance and channels assistance from NGO and church groups. The central Government generally has denied NGO's and the UNHCR direct access to the camps. NGO's report refugee complaints about deteriorated housing, poor sanitation, delayed assistance payments, and inadequate medical care in the Tamil refugee camps. The Government uses these "special camps" to hold suspected members of the LTTE terrorist organization. Human rights groups allege that inmates of the special camps sometimes are subjected to physical abuse and that their confinement to the camps amounts to imprisonment without trial. They allege that several of those acquitted by the Supreme Court in May 1999 of involvement in the assassination of former Prime Minister Rajiv Gandhi remain confined in these special camps. During the year, the Tamil Nadu government initiated a review of the inmates of the special camps to determine whether any could be released. Some of the inmates were allowed to return to Sri Lanka voluntarily; however, approximately 170 persons remain in the special camps.

Ethnic Chins are among the nonrecognized refugees in the northeastern states, particularly Mizoram. Chins and Chakma refugees have been targeted by student-led demonstrations protesting their presence in Mizoram. During the year, tensions between security forces and Chin National Force (CNF) insurgents operating in Burma allegedly resulted in the detention, interrogation, and expulsion of some persons associated with the CNF to Burma, where they credibly feared persecution. In September, there were news reports that thousands of ethnic Chins were being asked to leave Mizoram. The Mizoram Chief Minister stated that he wants the border with Burma to be "fenced to check further infiltration of immigrants into the state." Human rights monitors allege that about 1,000 Chin refugees had been arrested in Mizoram and some 200 had been repatriated forcibly to Burma between July and September 2000. NGO's estimate that 10,000 persons were expelled to Burma, where "the deportees were jailed pending hearings to be scheduled before military tribunals." An estimated 40,000 to 50,000 Chins live and work illegally in Mizoram.

Mizoram human rights groups estimate that some 41,000 Reangs, a tribal group from Mizoram that has been displaced due to a sectarian conflict, presently are being sheltered in 6 camps in North Tripura; conditions in such camps are poor and the Tripura government has asked the central Government to allot funds for their care. Reang leaders in the camps say that their community would return to Mizoram if they were granted an autonomous district council, allotted a set number of seats in the Mizoram assembly, and granted financial assistance for resettlement. The Mizoram government rejected these demands and maintained that only 16,000 of the refugees had a valid claim to reside in the state. In August 2000, following his meeting with Tripura chief minister Manik Sarkar, Union Home Minister L.K. Advani announced that an initial group of Reang refugees would be resettled in Tripura by October 2000, and that repatriation of the entire group would be completed by the end of 2000. Despite these government assertions, the resettlement promised had not taken place by year's end.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country has a democratic, parliamentary system of government with representatives elected in multiparty elections. A Parliament sits for 5 years unless dissolved earlier for new elections, except under constitutionally defined emergency situations. State governments are elected at regular intervals except in states under President's Rule.

On the advice of the Prime Minister, the President may proclaim a state of emergency in any part of the national territory in the event of war, external aggression, or armed rebellion. Similarly, President's Rule may be declared in the event of a collapse of a state's constitutional machinery. The Supreme Court has upheld the Government's authority to suspend fundamental rights during an emergency.

Some 28 persons were killed in election-related violence in state assembly polling in the country (see Section 1.a.), and there were localized allegations of voter fraud.

On January 9, months before the next local election, Sujata Das was killed allegedly by Communist Party of India (CPM) activists, in order to intimidate others. On February 3, three persons were killed by CPM supporters in Sonarpur, South 24 Parganas. On March 16, seven persons were killed when police and members of the RJD exchanged fire in Pratappur village, Siwan district. The dispute between the police and RJD began the day before when the RJD members heckled several policemen who prevented them from entering an examination center in a college. Police later raided the homes of some RJD henchmen, who fired at the officers. The police fired back. In the Bihar local Panchayat elections, held in stages in the first three months of the year, more than 60 persons were killed in election-related violence and many others were injured. On March 17, CPM activist Sentu Khanra was killed and 7 others were injured by a bomb attack carried out by Trinamul Congress supporters in Pingla, Midnapore district. Violence also erupted after the election results were announced. There were frequent clashes between the CPM and the Trinamul Congress in Burdwan district in May, in which 2 persons were killed and more than 40 were injured. In Assam's state assembly elections in May, the state government advised candidates not to campaign after sunset due to unrest. Despite this warning, ULFA militants killed a state BJP candidate, the BJP general secretary for Assam, and another party worker. Voting irregularities in the West Bengal May election—such as fraud, delaying tactics, and intimidation—were reported widely.

The percentage of women in government and politics does not correspond to their percentage of the population, although no legal impediments hinder their participa-

tion in the political process. A large proportion of women participate in voting throughout the country (with turnout rates slightly lower than those of men), and numerous women are represented in all major parties in the national and state legislatures. There are 70 women among the 790 Members of Parliament, including the Deputy Chairperson of the upper house, and there are 8 women in the 74-member Cabinet. The passage of the "Panchayati Raj" constitutional amendments reserved 30 percent of seats in elected village councils (Panchayats) for women, which has brought more than 1 million women into political life at the grassroots level. Debate continues over the Women's Reservation Bill, first introduced in Parliament in late 1998. The Government spoke of passing this legislation in the November parliamentary session; however, debate continued at year's end.

The Constitution reserves seats in Parliament and state legislatures for "scheduled tribes" and "scheduled castes" in proportion to their population (see Section 5). Indigenous people actively participate in national and local politics, but their impact depends on their numerical strength. In the northeastern states, indigenous people are a large proportion of the population and consequently exercise a dominant influence in the political process. In comparison, in Maharashtra and Gujarat, tribal people are a small minority and have been unsuccessful in blocking projects that they oppose.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Independent human rights organizations operate throughout most of the country, investigating abuses and publishing their findings; however, in some states and in a few circumstances, human rights groups face some restrictions. Human rights monitors in Jammu and Kashmir have been unable to move around the state to document human rights violations due to fear of retribution by security forces and counterterrorists. Since 1992 several individuals closely involved in the documentation of violations in Jammu and Kashmir, including lawyers and journalists, have been attacked and in some cases killed. International human rights monitors have had difficulty in obtaining visas to visit the country for investigation purposes.

The Home Minister in recent years has enforced a dormant executive order requiring visitors for some conferences from certain countries to register beforehand. The registration process has been criticized by some human rights groups and academics as a restriction on freedom of information. The People's Union for Civil Liberties filed a Supreme Court motion to invalidate the executive order, but the Supreme Court upheld it. In May 2000, an agent of the intelligence bureau visited and questioned the director of the South Asia Human Rights Documentation Center (SAHRDC) about his travel earlier in the month to Geneva to participate in the meeting of the U.N. Human Rights Commission. According to HRW, in April 2000, a mob of local residents and politicians raided the Almora and Jageswar offices of an NGO working primarily on women's health and empowerment in Uttar Pradesh. The attack allegedly was in response to a pamphlet that the NGO had published in 1999 on HIV transmission, which contained purportedly sexually offensive material. Police and protestors assaulted staff and trainees, and a number of persons were detained for a short period. In April 2000, the Government prevented four members of a Kashmir human rights organization from traveling to the 56th annual meeting of the UNCHR in Geneva (see Section 2.d.).

AI reported the November 2000 killing of human rights defender T. Purushotham in Hyderabad, Andhra Pradesh. A group of unidentified men wielding knives attacked Purushotham, the Joint Secretary of the Andhra Pradesh Civil Liberties Committee, in a local shop. Purushotham was involved in numerous investigations of alleged human rights violations by the police including torture and extrajudicial executions, had been attacked previously, and had received persistent threatening telephone calls. There were no investigations into Purushotham's death during the year.

There was no definitive resolution in the case of abducted and killed Kashmir human rights monitor Jalil Andrabi. Human rights workers allege that the state is attempting to subvert the judicial process by withholding evidence (see Sections 1.a. and 1.b.).

Several Christian-affiliated (in many cases, nonevangelical) international relief agencies stated that, during the year, their work in delivering services to the poor became considerably more difficult due to threats, increased bureaucratic obstacles, and, in some cases, physical attacks on their field workers by Hindu extremists (see Sections 2.c. and 5). The prison visits program in Jammu and Kashmir by the ICRC continued during the year (see Section 1.c.). ICRC representatives also continued training police and Border Security Force personnel in international humanitarian law. As in previous years, the authorities continued to deny HRW and AI permis-

sion to visit Jammu and Kashmir. The Government denies HRW any access to the country and only allows AI limited access. The West Bengal government, which is communist, and its Chief Minister, Buddhadeb Bhattacharya, have called AI "anticommunist" and have refused to acknowledge that its report on West Bengal was authentic. The Government also continued to deny the U.N. Special Rapporteur on Extrajudicial Killings permission to visit the country. However, in April the Government invited the Special Rapporteur on Torture to visit the country subject to certain conditions; by year's end, the details of the visit had not been settled. Police and security forces have arrested and harassed human rights monitors. The Government continued to refuse repeated UNHCR requests for access to the Sri Lankan Tamil refugee camps in Tamil Nadu (see Section 2.d.).

The Government appointed a National Human Rights Commission in 1993 with powers to investigate and recommend policy changes, punishment, and compensation in cases of police abuse. In addition the NHRC is directed to contribute to the establishment, growth, and functioning of human rights NGO's. The Government appoints the members and finances the operations of the NHRC. The NHRC is seriously understaffed, and it is prohibited by statute from directly investigating allegations of abuse involving army and paramilitary forces.

From April 1, 2000 to March 31, (the latest reporting year), the NHRC received 71,685 new complaints of human rights violations. New complaints of human rights violations to the NHRC rose more than 41 percent during the year compared with 2000. Over 50 percent of the complaints were from Uttar Pradesh. The increased number of complaints is believed to be the result of the Commission's increased visibility. The Commission had 13,512 cases awaiting consideration in 2000. Of the 54,236 cases before it in the 1998-99 year, the Commission reviewed 53,711, leaving 525 awaiting review at the end of 2000. Of the 53,711 cases considered during 2000, 32,172 were dismissed; 10,718 were transmitted to other governmental authorities for disposition; 3,395 were concluded, and 7,426 remained pending.

The NHRC has sought to encourage a culture respective of human rights by fostering human rights education in schools and universities, by offering assistance and encouragement to human rights NGO's, by supporting training programs for the police, military forces, and paramilitary forces, and by making recommendations to the central and state governments. During the year, the NHRC released a monthly newsletter and operated a web site. The NHRC also has influenced the legislative process, particularly by issuing recommendations on women's issues, persons with disabilities, and children's rights. The NHRC has encouraged the establishment of human rights cells in police headquarters in some states; however, this policy has not been implemented in any meaningful way. The NHRC also was involved in programs to eliminate child labor (see Section 6.c.).

The Human Rights Act requests each state to establish a state Human Rights Commission, but not all states have done so. Commissions exist in 11 states: Assam, Manipur, Himachal Pradesh, Madhya Pradesh, Maharashtra, West Bengal, Tamil Nadu, Punjab, Jammu and Kashmir, Kerala, and Rajasthan. Karnataka, Goa, and Andhra Pradesh have yet to appoint State Human Rights Commissions. Gujarat has not officially established a state commission, but in August 2000 a commission of inquiry was created to report on the custodial death of Colonel Pratap Save, a retired military officer. This commission has yet to report. Uttar Pradesh, the state with the largest number of human rights complaints to the NHRC, has stated its intention to set up a state human rights commission but has not yet done so. The state human rights commission established in Jammu and Kashmir by an act of the state legislature has no power to investigate independently alleged human rights violations committed by security force members. Credible human rights monitors state that the Jammu and Kashmir Commission has not yet demonstrated effective, independent protection of human rights in the state.

The Madhya Pradesh state human rights commission is active in pursuing complaints. In 1999-2000 the commission received 10,826 complaints, more than double the number from the previous year. In its 1999-2000 report, the commission lamented that at the district level, the government was extremely slow in responding to complaints forwarded to it. Partly as a result, 6,374 complaints were pending as of March 31. Maharashtra's state human rights commission came into existence in March, but it still is waiting for the state government to provide it with satisfactory premises and staff. So far, the commission has received about 150 complaints and dealt with about 20. It has resolved that inspection of prison conditions is to be its first public awareness campaign once it obtains adequate funding.

In Chattisgarh the state government and NGO's held one meeting in January at which NGO's urged the Government to establish a state human rights commission, but Chhattisgarh has not yet done so.

Tamil Nadu's Human Rights Commission has five members and is presided over by a retired High Court Chief Justice. It has worked on caste clashes and deaths resulting from illicit liquor sales, but its lack of authority to investigate effectively has barred it from considering major incidents. The three-member Kerala Human Rights Commission is understaffed and relatively inactive, though it has probed prison conditions. In addition to these state human rights commissions, special courts to hear human rights cases have been established in Tamil Nadu, Uttar Pradesh, and Andhra Pradesh. However, the courts in Uttar Pradesh are not functioning despite a September 1999 court order that they be reactivated.

A People's Commission that was established by retired Supreme Court Justice Kuldip Singh to highlight the fate of more than 2,000 persons who "disappeared" during the period of political unrest in Punjab (see Section 1.b.) continued to receive little cooperation from state government authorities.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social status

The traditional caste system as well as differences of ethnicity, religion, and language deeply divide society. Despite laws designed to prevent discrimination, other legislation as well as social and cultural practices have a profound discriminatory impact, and discrimination against women, persons with disabilities, indigenous people, and national, racial, and ethnic minorities is a problem. According to the National Commission for Scheduled Castes and Scheduled Tribes, caste clashes are frequent in Uttar Pradesh, Bihar, and Tamil Nadu.

Women.—Domestic violence is common and a serious problem. In a survey of 10,000 women released during 2000, more than half of the women said that violence was a normal part of married life. The Health Ministry released a different survey in 2000 that indicated that, of 90,000 women surveyed, more than half acknowledged being battered. An International Institute of Population Studies survey in 2000 found that 56 percent of women believe that domestic violence is justified. These sentiments, combined with ineffective prosecution, make progress against domestic violence difficult.

The issue of rape has received greater political and social attention than in earlier years. Rape is a common but underreported crime. According to local statistics, in 1999 there were 15,468 reported rapes, 16,381 abductions of women, 41,823 reported cases of torture of women, and 32,311 cases of molestation. Numbers of reports of rape and the extent of prosecution varies from state to state. It was found in Assam that 30 percent of rape cases involved girls below 18 years of age. Most of the victims were maidservants, some as young as six years old. In April the NHRC requested an explanation from the Chief Minister of Assam as to why he continued to retain a state cabinet member who was accused of raping a minor. The NHRC engaged in correspondence with the Chief Minister's office but has yet to receive a reply. On May 16, Rajan Pradhan was sentenced to death by Kandhamal District Session judge in Orissa for raping and killing an 18-year-old tribal girl in 1999. In July 2000, the NHRC directed the Andhra Pradesh government to pay \$1,100 (50,000 Rs) in compensation to each of four Dalit women who were raped in Godavari district. The NHRC overturned a state ruling that had denied the women monetary compensation because the victims and their attackers were members of low caste and tribal communities. The press consistently reports that such violence against women is increasing, although local women's organizations claim that there simply has been increased reporting. Only 10 percent of rape cases are fully adjudicated by the courts, and police typically fail to arrest rapists, thus fostering a climate of impunity. Mass rapes often form part of the tactics of intimidation used by upper caste gangs against lower castes, and gang rapes often are committed as a punishment for alleged adultery or as a means of coercion or revenge in rural property disputes.

Dowry disputes also are a serious problem. Although providing or taking dowry is illegal under the Dowry Prohibition Act, dowry still is practiced widely. In the typical dowry dispute, a groom's family members harass a new wife whom they believe has not provided a sufficient dowry. This harassment sometimes ends in the woman's death, which family members often try to portray as a suicide or kitchen accident; research suggests that a significant percentage of kerosene attacks also are due to domestic violence. Although most dowry deaths involve lower and middle-class families, the phenomenon crosses both caste and religious lines. According to National Crime Records Bureau (NCRB) statistics, 6,917 dowry deaths occurred in the country in 1998, including 2,229 dowry deaths in Uttar Pradesh, 1,039 in Bihar, 598 in Madhya Pradesh, 500 in Andhra Pradesh, 420 in Maharashtra, 200 in Karnataka, 176 in Tamil Nadu, and 21 in Kerala. Studies in Assam between 1992–97 by the Law Research Institute found 10,423 registered cases of crime against

women in the state's 23 districts, which likely is a low figure since it widely is believed that most dowry cases go unreported. LRI statistics show that 17.19 percent of the reported cases are dowry-related harassment or murder. In December in Bihar, police searched for a judge who allegedly had chained up his daughter-in-law in his home and physically abused her over a dowry dispute.

Under the Penal Code, courts must presume that the husband or the wife's in-laws are responsible for every unnatural death of a woman in the first 7 years of marriage—provided that harassment is proven. In such cases, police procedures require that an officer of deputy superintendent rank or above conduct the investigation and that a team of two or more doctors perform the postmortem procedures. According to human rights monitors, in practice police do not follow these procedures consistently.

Sati, the practice of burning widows on the funeral pyres of their husbands, was banned in 1829, but continued despite the ban. The practice almost has ended, although there have been a few cases since Independence.

In remote villages, witchcraft accusations and punishments still occur. On July 23, a 55-year-old woman accused of being a witch was beheaded by a tribal youth in Orissa. The youth told police that he suspected the woman caused his father's prolonged illness by sorcery. In a similar case, on August 24, Sishu Munda killed a young woman for allegedly practicing witchcraft.

Higher female mortality at all age levels, including female infanticide and sex selective termination of pregnancies, accounts for an increase in the ratio of males to females to 107.9 males per 100 females in 1991, from 104.7 males per 100 females in 1981, and from 102.9 males per 100 females at the turn of the century. In some districts of Tamil Nadu, female infanticide occurs despite government and NGO programs intended to counter the practice. In Punjab there were 822 girls born for every 1,000 boys born in 1991, and 874 girls born for every 1,000 boys during the year. Other states have shown a slight narrowing of the girl/boy ratio. During the year, the highest Sikh religious authority issued a decree that female infanticide was a sin and would result in excommunication. In February 2000, CEDAW expressed concern that "India has not yet established a comprehensive and compulsory system of registration of births and marriages. The Committee notes that inability to prove those important events by documentation prevents effective implementation of laws that protect girls from sexual exploitation and trafficking, child labor and forced or early marriage."

Dalit ("untouchable" caste) women have been stripped naked by mobs, and paraded around in public to humiliate Dalits who offend other castes. In June a Dalit woman allegedly was paraded nude in a Karnataka village following a land dispute with a village landlord. The civil rights office of the Karnataka police aided the investigation after local police allegedly refused to register the case. According to local press reports, another Dalit woman was paraded naked in Karnataka in August due to a dispute between two Dalit castes. The August HRW report states that "the triple burden of caste, class, and gender effectively ensured that lower-caste women are the farthest removed from legal protections."

In Kashmir Lashkar-e-Jabbar, the terrorist group that has required all Muslim women to wear a burqa (a garment which totally covers the face and body) when in public or risk retribution. A significant number of women in the Kashmir valley appear to be complying with the order, frightened by the threat of being attacked with acid. Lashkar-e-Jabbar also had further ordered Hindus and Sikhs in the valley to wear identifying marks and has told transport companies to reserve 50 percent of their seats for women in an effort to separate men and women in public spaces.

On February 1, the Committee on the Elimination of Discrimination Against Women (CEDAW) of the U.N. Commission on Human Rights (UNCHR) continued to recommend an extensive range of legal reform, additional resources, and affirmative government action to eliminate gender inequality. CEDAW noted with approval a bill reserving certain political offices for women.

Numerous laws exist to protect women's rights, including the Equal Remuneration Act, the Prevention of Immoral Traffic Act, the Sati (Widow Burning) Prevention Act, and the Dowry Prohibition Act. However, the Government often is unable to enforce these laws, especially in rural areas in which traditions are deeply rooted. According to press reports, the rate of acquittal in dowry death cases is high, and because of court backlogs it takes 6 to 7 years on average to rule on such cases. In February 2000, CEDAW noted that "there is an urgent need to introduce comprehensive [legislative] reform to promote equality and the human rights of women."

Prostitution is common, with an estimated 2.3 million prostitutes in the country, some 575,000 of whom are children. Many indigenous tribal women are forced into sexual exploitation (see Section 6.c.). In recent years, prostitutes began to demand

legal rights, licenses, and reemployment training, especially in Mumbai, New Delhi, and Calcutta.

The country is a significant source, transit point, and destination for many thousands of trafficked women (see Section 6.f.).

In 1999 according to NCRB statistics, there were 8,858 cases of sexual harassment. Sexual harassment of women in the workplace became a subject of NHRC consideration during the year. The NHRC instituted a committee to investigate harassment of women in the legal profession, and asked universities to establish complaint committees without delay. The Commission suggested the creation of a telephone hotline for complaints, initially starting in New Delhi, and gave advice to the media on reporting incidents of harassment against women. In May the National Commission for Women proposed a bill to prevent harassment of women at work. Such a bill has been drafted but not yet passed.

The law prohibits discrimination in the workplace, but enforcement is inadequate. In both rural and urban areas, women are paid less than men for doing the same job. Women experience economic discrimination in access to employment and credit, which acts as an impediment to women owning a business. The promotion of women to managerial positions within businesses often is slower than that of males. State governments have supported micro-credit programs for women that have begun to have an impact in many rural districts.

The personal status laws of the religious communities discriminate against women. Under Islamic law, a Muslim husband may divorce his wife spontaneously and unilaterally; there is no such provision for women. Islamic law also allows a man to have up to four wives but prohibits polyandry. In February 2000, CEDAW noted that "steps have not been taken to reform the personal laws of different religious and ethnic groups, in consultation with them, so as to conform with the Convention. The Committee is concerned that the Government's policy of non-intervention perpetuates sexual stereotypes, son preference and discrimination against women." In August the Indian Divorce Amendment Act was passed, eliminating discriminatory treatment of Christian women with regard to divorce (see Section 2.c.).

The Hindu Succession Act provides equal inheritance rights for Hindu women, but married daughters seldom are given a share in parental property. Islamic law recognizes a woman's right of inheritance but specifies that a daughter's share only should be one-half that of a son.

Under many tribal land systems, notably in Bihar, tribal women do not have the right to own land. Other laws relating to the ownership of assets and land accord women little control over land use, retention, or sale. However, several exceptions exist, as in Ladakh and Meghalaya, where women may have several husbands and control the family inheritance.

Literacy rates for women are significantly lower than rates for men; the 2000 U.N. Development Program (UNDP) Report for India found that 38 percent of women were literate, compared with 66 percent of men.

Thousands of grassroots organizations work for social justice and the economic advancement of women, in addition to the National Commission for Women. The Government usually supports these efforts, despite strong resistance from traditionally privileged groups.

Children.—The Government has not demonstrated a commitment to children's rights and welfare. The Government does not provide compulsory, free, and universal primary education, and only approximately 59 percent of children between the ages of 5 and 14 attend school. Of a primary school-age population of approximately 203 million, about 120 million children attend school. No significant sectors or groups actively are excluded from education, but children of wealthier families are more likely to attend school than those of poor families. According to a UNDP study conducted in 1993, the dropout rate from primary school was 34 percent. A significant gender gap exists in school attendance, particularly at the secondary level. According to UNICEF, 76.2 percent of all children 11 to 13 years are attending school.

The central Government spends approximately 5.9 percent of its overall budget on education. The state governments also spend part of their budgets on education, but no comprehensive figure of combined federal-state expenditure on education is available. In May Kul Chandra Gautam, the Deputy Director of UNICEF, stated during a meeting of regional senior government leaders, that the "human landscape in our region continues to be characterized by poverty, underdevelopment, discrimination, environmental degradation, social upheaval, conflict and natural disasters. All these factors have impact on social development and on survival, development and protection of children." In February 2000, the Committee on the Rights of the Child of the UNHRC expressed concern "at the prevailing poor situation in the state party with respect to education, which is characterized by a general lack of infra-

structure, facilities and equipment, insufficient numbers of qualified teachers and a drastic shortage of textbooks and other relevant learning materials. There is serious concern regarding the striking disparities in terms of access to education, attendance at primary and secondary levels and drop-out rates between: different states, rural and urban areas, boys and girls, the affluent and the poor, and children belonging to scheduled castes and tribes.”

Child welfare organizations estimate that there are 500,000 street children nationwide living in abject poverty. A coalition of about 50 NGO's conducted a detailed survey in the Calcutta municipal area and identified 145,000 children who were not attending school. Not all of them were street children. The NGO's received UNICEF assistance in training teachers to conduct transitional education for a target group of 45,000 5- to 9-year-old children. The course work is intended to allow these children to enter mainstream schooling. By the end of 2000, 16,000 children had completed the transitional education course, and 5,000 were enrolled during the year. The program aimed to set up an additional 600 schools for the remaining 29,000 children by year's end. Approximately 500 teachers had been trained by year's end.

Medical care is free to all citizens; however, availability and quality are problems, particularly in rural areas.

Child abuse is prohibited specifically by law. The Government states that child abuse is not a significant problem; however, the Government has not released comprehensive statistics regarding child abuse.

Abuse of children in both public and private educational institutions is a problem. Schoolteachers often beat children. On June 30, a Calcutta court fined a nun of the Missionaries of Charity \$20 (1,000 Rs) for branding a 12-year-old girl with a hot knife in September 2000. The nun had branded the girl because she stole bread. On August 9, schoolchildren in Barpeta district were asked to participate in a statewide peace march organized by the Assam government. Young children were taken in a long procession during the midday heat and were provided insecticide-ridden food as refreshments. Three children died after consuming the food, and nearly 1,000 others became ill. The NHRC requested that the Assam Chief Secretary issue a detailed report on the incident and provide prompt medical treatment for the victims. At year's end, the investigation into the incident continued.

As part of its ongoing effort, the NHRC seeks to examine conditions in juvenile homes and recommend improvements. In 1999 the Commission issued directions to all state governments to report within 24 hours any instance of death or rape in such institutions. In March 1999, NHRC member Justice V.S. Malimath said that cases of abuse and torture of children confined to juvenile homes had been reported. In some cases, the Commission had acted to transfer oversight of homes to private voluntary organizations “after the (state) government failed to provide a healthy environment to children in these homes.” In its February 2000 concluding observations regarding the country, the U.N. Committee on the Rights of the Child expressed concern about “numerous reports of routine ill-treatment, corporal punishment, torture and sexual abuse of children in detention facilities, and alleged instances of killings of children living and/or working on the streets by law enforcement officials.” The Committee also expressed concern “at the overcrowded and unsanitary conditions of detention of children, including detention with adults; lack of application and enforcement of existing juvenile justice legislation; lack of training for professionals, including the judiciary, lawyers and law enforcement officers, in relation to the Convention (on the Rights of the Child), other existing international standards and the Juvenile Justice Act; and the lack of measures and enforcement thereof to prosecute officials who violate these provisions.”

The Child Marriage Restraint (Amendment) Act prohibits child marriage, a traditional practice in the northern part of the country. The act raised the age requirement for marriage for girls to 15 from 18 years, but the Government does not enforce it. According to one report, 50 percent of girls in Bihar, Rajasthan, Uttar Pradesh, and Madhya Pradesh are married by age 16. NCRB statistics show that only 56 cases were registered under the Child Marriage Restraint (Amendment) Act during 1999.

Child prostitution occurs in the cities, and there are an estimated 575,00 child prostitutes nationwide. According to an International Labor Organization (ILO) estimate, 15 percent of the country's estimated 2.3 million prostitutes are children. In February 2000 the U.N. Committee on the Rights of the Child expressed concern “about the sexual abuse and exploitation of children, especially those belonging to the lower castes and from poor urban and rural areas, in the contexts of: Religious and traditional culture; child domestic workers; children living and/or working on the streets; communal violence and ethnic conflict; abuse by security forces in areas of conflict, such as Jammu and Kashmir and the northeastern states; and trafficking and commercial exploitation, especially girls from neighboring countries, par-

ticularly Nepal. It is also concerned about the lack of adequate measures to combat this phenomenon and the lack of adequate rehabilitation measures.”

Runaway children, especially in larger cities, are at high risk for sexually transmitted diseases and HIV. They often work 18- to 20-hour days, frequently in hazardous conditions (see Section 6.c.), and suffer sexual and mental abuse.

Trafficking in children for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

The buying and selling of children for adoption occurs. In April, police raided a child adoption racket in Andhra Pradesh. Nearly 200 children were rescued from several orphanages that were involved in the buying and selling of children for adoption.

The Union Ministry of Social Justice and Empowerment has set up a 24-hour “child help line” phone-in service for children in distress in nine cities. Run by NGO’s with government funding, the child help line assists street children, orphans, destitute children, runaway children, and children suffering abuse and exploitation. During one 6-month period, the help lines received 25,000 calls, including 2,190 seeking medical assistance for children, 1,056 seeking shelter, 138 reporting missing children, and 125 reporting physical or sexual abuse of children.

Bonded and unbonded child labor continued to be a serious problem throughout the country (see Section 6.c. and 6.d.).

The traditional preference for male children continues. Although the law prohibits the use of amniocentesis and sonogram tests for sex determination, the Government does not enforce the law. The tests are misused widely for sex determination, and termination of a disproportionate number of pregnancies with female fetuses occurs. In the 12 years since the southern state of Maharashtra passed a law banning the use of such tests for sex determination, the state government only filed charges against only one doctor, who was acquitted. Human rights groups estimate that at least 10,000 cases of female infanticide occur yearly, primarily in poor rural areas. Parts of Tamil Nadu (Dharmapuri, Salem, and Madurai districts) still have high rates of female infanticide. In addition parents often give priority in health care and nutrition to male infants. Women’s rights groups point out that the burden of providing girls with an adequate dowry is one factor that makes daughters less desirable. Although abetting or taking dowry theoretically is illegal under the Dowry Prohibition Act, it still is practiced widely.

Persons with Disabilities.—According to regional NGO’s, there are over 50 million disabled persons in the country. According to the Blind Foundation for India, there are more than 2 million blind children in the country, and only 5 percent of them receive an education. According to Javed Abidi of the National Center for Promotion of Employment for Disabled People (NCPEDP), the census taken during the year failed to include categories of disability, thus making an accurate estimate of the needs of persons with disabilities impossible. Neither law nor regulations require accessibility for persons with disabilities. With the adoption of the Persons with Disability Act, a nascent disabled rights movement slowly is raising public awareness of the rights of the disabled. Although the act provides equal rights to all persons with disabilities, advocacy organizations admit that its practical effects so far have been minimal in part due to a clause that makes the implementation of programs dependent on the “economic capacity” of the Government. For example, government buildings, educational establishments, and public spaces in New Delhi have almost no provisions for wheelchair access. To a large degree, physical impediments still limit mobility, legislation prevents equality, and societal discrimination maintains the status quo of persons with disabilities.

The Disabled Division of the Ministry of Welfare had a budget of more than \$50 million (2.3 billion Rs) for the 2000–01 fiscal year for a number of organizations and committees at the national, regional, and local levels. The Ministry delivers rehabilitation services to the rural population through 16 district centers. A national rehabilitation plan commits the Government to putting a rehabilitation center in each of more than 400 districts, but services still are concentrated in urban areas. Moreover, the impact of government programs has been limited. Significant funding is provided to a few government organizations such as the Artificial Limbs Manufacturing Corporation of India, the National Handicapped Finance and Development Corporation, and the Rehabilitation Council of India. Each entity provides specific services or training, including producing aids and prosthetics, promoting disabled-oriented economic development activities, offering training to health-care professionals and vocational instructors concerning disabled-related issues, and providing comprehensive rehabilitation services to the rural disabled.

Additional minigrants are offered to NGO’s that coordinate programs for the disabled to facilitate their physical, social, and psychological rehabilitation and integration into mainstream society. During 2000–01, \$13 million (585 million Rs) was

available. However, only half of this amount was allocated due to funding restrictions placed on each providing organization and the small number of them that exist.

Two significant programs to benefit the disabled are the National Project to Integrate Mentally Retarded in Family and Community and the National Institute for the Multiple Disabilities. The first project, launched in six states in 1998, primarily focuses on children from the economically weaker sectors and promotes awareness concerning the mentally disabled, their problems, and their rights. The second is the Ministry of Welfare, which provides rehabilitation services to the disabled and is fostering greater awareness among communities throughout the country. As a result of the passage of the Persons with Disability Act, there is a Disabilities Commissioner who oversees implementation of the act and its protections for persons with disabilities. In addition, the NHRC formed a group of seven experts in August to identify issues affecting persons with disabilities, to review government policies, and to protect the rights of persons with disabilities.

According to the Persons with Disability Act, 3 percent of positions in government offices and state-owned enterprises must be reserved for persons with visual, hearing, or orthopedic disabilities. The act mandates that 5 percent of employees in both the private and public sector eventually should consist of persons with disabilities. However, a survey conducted in 1999 by the NCPEDP indicated that in the public sector the figure was 0.54 percent and in the private sector 0.28 percent. The Government provides special railway fares, education allowances, scholarships, customs exemptions, budgetary funds from the Ministry of Rural Development, and rehabilitation training to assist the disabled. However, implementation of these entitlements is not comprehensive. Although the Government has taken significant steps toward improving the plight of the disabled, its involvement has been insufficient. The majority of responsibility for caring for disabled persons still lies with family members and voluntary groups.

The NHRC continues to receive complaints relating to harassment, intolerance, and discrimination against the disabled. It is gathering information on such cases and forwarding assessments to concerned NGOs and government entities. However, this process is slow, and its effects so far have been minimal.

The NHRC continued its efforts to improve conditions in mental hospitals and enhance awareness of the rights of persons with mental illness during the year. In a 1999 report, the NHRC stated that conditions at many mental hospitals throughout the country are unsatisfactory.

In July the NHRC coordinated with the All India Institute of Medical Sciences (AIIMS) for a medical student who had lost his sight just prior to his final exams. AIIMS initially informed the student that he could not sit for exams; however, after the case was filed under the Disability Act, he was allowed to do so. AIIMS also formulated a system to deal with any future cases of a similar nature.

The NHRC continue to use old concepts of mental health care and essentially function as custodial rather than therapeutic institutions. Overcrowded and serving as "dumping grounds" for desperate relatives, some mental hospitals lack even basic amenities and have poor medical facilities. Persons with mental retardation and mental illnesses often are housed together, leading to physical abuse of persons with mental retardation. Patients generally are ill-fed, denied adequate medical attention, and kept in poorly-ventilated halls with poor sanitary conditions. Most of the private mental hospitals are run by Muslim organizations, but there are Hindu and Christian-run mental hospitals as well. In August when 26 inmates at a private Muslim mental hospital in Erwadi, Tamil Nadu, died in a fire, the victims were chained to their beds, which apparently was a common practice in many such private institutions. Following the fire, the government of Tamil Nadu ordered the closure of all unlicensed medical asylums in the state. Many of the inmates were moved to public mental hospitals. According to Tamil Nadu state officials, 3,500 persons are confined in 130 private mental hospitals. Press reports described horrific conditions in many mental hospitals elsewhere in the country, including one where inmates were chained in a row on a stone floor in an ill-lit room during the daytime.

In August 1999, the NHRC reported that it had assumed the management of mental hospitals in Ranchi, Bihar, Agra, Uttar Pradesh, and Gwalior, Madhya Pradesh, at the direction of the Supreme Court. In February 2000, NHRC Chairman Justice J.S. Verma asked chief ministers of all the states and administrators of all the union territories "to issue clear directions to the inspector generals of prisons to ensure that mentally ill persons are not kept in jail under any circumstances." However, there was little follow-up to the NHRC direction. In January, the NHRC wrote to the chief ministers of all states to ask them to abide by recommendations to remove all persons with mental illness from ordinary jails; however, by year's end, the directive had not been implemented.

Indigenous People.—The Innerline Regulations enacted by the British in 1873 still provide the basis for safeguarding tribal rights in most of the northeastern border states. They are in effect in Arunachal Pradesh, Nagaland, Manipur, and Mizoram, but not in Tripura, in which the tribal population has been reduced to 30 percent of the total population due to increased Bengali migration since partition. These regulations prohibit any person, including citizens from other states, from going beyond an inner boundary without a valid permit. No rubber, wax, ivory, or other forest products may be removed from the protected areas without prior authorization. No outsiders are allowed to own land in the tribal areas without approval from tribal authorities.

The last census conducted showed that 8.08 percent of citizens belonged to scheduled tribes. According to the Indian Confederation of Indigenous and Tribal People (ICITP), 80 percent of the tribal population live below the poverty level. In 1998 the NHRC established a panel to investigate the condition of the country's 20 million denotified tribal people, the British colonial government labeled as belonging to criminal tribes. The colonial act listing these tribes was repealed in 1951, but the stigma remains and many of these tribal people still are discriminated against actively. During 2000, the panel prepared a report for the NHRC on their condition and advised the NHRC in other ways. In February 2000, the NHRC recommended that the Habitual Offenders Act, aimed at the denotified and nomadic tribes, be repealed. At year's end, no action had been taken on this recommendation. According to the ICITP, more than 40,000 tribal women, mainly from Orissa and Bihar, have been forced into situations of economic and sexual exploitation (see Sections 6.c. and 6.f.); many come from tribes that were driven off the land by national park schemes. Special courts to hear complaints of atrocities committed against tribal people were to have been established under the Protection of Civil Rights Act, but this never was accomplished.

Despite constitutional safeguards, the rights of indigenous groups in the eastern parts of the country often are ignored. Indigenous peoples suffer discrimination and harassment, have been deprived wrongly of their land, and have been subject to torture and to arbitrary arrest. There has been encroachment on tribal land in almost every eastern state, including by illegal Bangladeshi immigrants, and by businesses that illegally have removed forest and mineral products. Moreover, persons from other backgrounds often usurp places reserved for members of tribes and lower castes in national educational institutions. Mob lynching, arson, and police atrocities against tribal people occur in many states (see Section 1.c.). According to a local NGO, in February police in Koel-Karo shot on a crowd of 4,000 tribals who had assembled to protest the state government's management of the Koel-Karo dam project and killed eight persons.

In the Andaman Islands in 1999, the local government implemented a policy of permitting development of the Jawara tribal area, which threatens the indigenous group's way of life. The construction of a road through the forest that is inhabited by this group and the encroachment of Indian settlers have affected negatively this indigenous group's cultural vitality, economic self-sufficiency, and physical and mental health. These integrative policies have been motivated partly by humanitarian concerns, although interest in commercial exploitation of virgin forests that are inhabited by tribal people is another strong factor behind these policies.

Such violations led to numerous tribal movements demanding the protection of land and property rights. The Jharkhand Movement in Bihar and Orissa, and the Bodo Movement in Assam, reflect deep economic and social grievances among indigenous peoples. In the Jharkhand area, tribal people complain that they have been relegated to unskilled mining jobs, have lost their forests to industrial construction, and have been displaced by development projects. During 2000, the Government introduced and Parliament passed legislation creating new, largely tribal-populated states from the Jharkand area of Bihar and the Chhatisgarh region of Madhya Pradesh. The Chhatisgarh state came into existence in November 2000, and the Jharkhand state came into existence in the same month. The Jharkhand Adivasi Chhatra Sangh has called for "ulgulan" (mass awakening) to fight for the cause of the tribals and to demand a 60 percent reservation for tribals in jobs and education, despite the fact that Jharkhand's tribal population make up only 27 percent of the population.

There is some local autonomy for tribal people in the northeast. In Meghalaya tribal chiefs still wield influence in certain villages. The Nagaland government controls the rights to certain mineral resources, and autonomous district councils in Tripura, Assam, and Meghalaya control matters such as education, rural development, and forestry in cooperation with the state governors.

Religious Minorities.—The potential for renewed Hindu-Muslim violence remains considerable, and both sides committed human rights abuses during the year. Hin-

dus and Muslims continue to feud over the construction of mosques several centuries ago on three sites where Hindus believe that temples stood previously.

In Maharashtra between March 9 and 11, Muslims reacted to the alleged burning of a Koran in New Delhi by going on strike and burning Hindu property, government vehicles, and a police station in Pune. The radical Muslim students Islamic Movement of India (SIMI) exacerbated tensions prior to the riots by posting inflammatory posters about the Koran burning. SIMI later was banned by the Government because of its alleged ties to al Qaeda and other terrorist organizations. This banning of SIMI in September triggered another riot in Uttar Pradesh that killed four persons in September. On March 21, in Punjab a Koran was burned and pig parts were thrown into a mosque by members of a Hindu group in an attempt to enrage Muslims. A few days of rioting ensued in the cities of Amritsar, Kanpur, and Baramulla followed, resulting in extensive property damage and several deaths. In October several days of Hindu-Muslim riots in Malegaon occurred after radical Muslims marched in support of Usama bin Laden at a political rally. At the rally, police opened fire on protesters after they allegedly became violent; 12 persons were killed, 7 of them protesters. The rioters caused significant amounts of damage and both Hindus and Muslims suffered property losses. In November an unofficial probe team criticized police handling of the communal violence in Malegaon and stated that rumors spread by political parties and communal organizations were responsible for the spread of the rioting.

Attacks by Muslim militants seeking to end Indian rule in Jammu and Kashmir, and continuing political violence, has driven almost 95 percent of Hindus in the Kashmir valley (Pandits) to seek refuge in camps in Jammu, with relatives in New Delhi, or elsewhere, during recent years. Throughout the year, pan-Islamic militants continued to try to drive all non-Muslims out of Kashmir. Early in the year, eight Sikhs were killed, allegedly by an obscure militant group. On February 3, two gunmen killed as many as six Sikhs and wounded at least four others in Srinagar. The public viewed this attack as punishment by militants for the killing earlier in the week of a Muslim civilian, allegedly by Sikh policemen belonging to Kashmir's Special Operations Group; however, such allegations never were proved. The Government sent a four-member team to Kashmir to investigate the killings; however, no one had been charged at the end of the year. Sikhs protested the killings, which led to violent clashes with police. The February incident was the first attack against the Kashmir Valley's minority Sikh population since the March 2000 killing of 35 Sikh men in Chatti Singhpora. These mass killings in Kashmir, targeted against the Sikh community, increased fears that the remainder of Kashmir's beleaguered minorities may try or be forced to leave. There was an exodus of many from the Sikh community, particularly the young, during the year.

There was no reported progress regarding any investigation of the March 2000 killings of 35 Sikh men in the village of Chatti Singhpora, near Anantnag in south Kashmir.

During the year, in the temple town of Badrinath in Chamoli district, Uttar Pradesh, clashes reportedly occurred between Hindus and Jains over whether Jains should proceed with the installation in the building of the idol Shri Adinath, a principal Jain deity. Badrinath is a pilgrimage spot for Hindus.

On October 1, Kashmiri militants killed 25 employees and security officers and injured 50 others in an attack at the Kashmiri regional parliament. A spokesman for the terrorist group Jaish-e-Mohammad, based in Pakistan, claimed responsibility for the attack. On October 26, 30 persons, including 8 civilians, were killed and several others were injured in cross-border shootings after militants blew up a police jeep, killing 4 officers. In addition, the press reported that 6 civilians were killed by militants who forced their way into homes on October 26. In November Islamic militants ambushed a military patrol and killed seven soldiers in Kashmir (see Section 1.a.).

According to the Ministry of Home Affairs, about 51,000 Pandit families fled their homes in Jammu and Kashmir due to the violence in 2000. Of these, 4,674 families are living in refugee camps in Jammu, 235 families are in camps in New Delhi, and 18 families are in Chandigarh. The rest still are displaced, but many are living in Jammu and New Delhi. The Pandit community criticizes bleak physical, educational, and economic conditions in the camps and fears that a negotiated solution giving greater autonomy to the Muslim majority might threaten its own survival in Jammu and Kashmir as a culturally and historically distinctive group. In August 2000, the Jammu and Kashmir government adopted a proposal designed to facilitate the return of Pandits to the Kashmir valley and rehabilitation of the Pandits. However, various Pandit groups criticized the proposal for failing to address the political aspirations of Pandits, failing to provide economic guarantees, failing to provide ade-

quate security for returning Pandits, and creating special economic zones that would aggravate communal tensions. The proposal was abandoned in 2000.

There were numerous attacks against Christian communities and Christian missionaries during the year. HRW, in its World Report 2001, has noted that attacks against Christians have increased significantly since the BJP came to power in March 1998. However, other NGO's have noted that Christians continue to be targets of violence and harassment by radical Hindu groups who accuse them of converting Hindus through bribes and coercion. They believe that Christians target economically disadvantaged Dalits and tribals, inducing them to convert with schools, hospitals, and other aid projects. An official inquiry by the National Commission for Minorities into the roughly 400 attacks on Christians between December 1998 and December 2000, found only random acts of unconnected violence, not a pattern of religiously motivated hate crimes.

In January in a village near Udaipur, Rajasthan, Bajrang Dal activists allegedly beat two Christian missionaries and their followers because they were watching a film on the life of Christ. Both missionaries were attempting to convert local tribal people. Also in January, according to HRW, a nun was killed in Tamil Nadu.

In late January, in the Sarguja district of Chhattisgarh, there was a mass reconversion of 360 tribals back to Hinduism, which was managed by a Sangh Parivar offshoot and attended by local Congress Party leaders and a BJP member of Parliament.

On March 26, a group of Hindus reportedly beat two members of an Indian evangelical team while travelling in Orissa.

In March in Orissa, Christian Archbishop Cheenath gave a speech objecting to an amendment to the Orissa Religious Freedom Act that he believed would make conversion more difficult. He said that fears of forced conversion were not credible. He noted that, although Christian schools have for generations educated a far larger percentage of Indians than there are Christians in the general population, Christians make up slightly less of the population today than they did in the 1991 census.

On July 21, a member of the All India Christian Council was attacked and beaten by members of the Vishwa Hindu Parishad. A few days earlier, staff members at the council also had been attacked by alleged VHP members. On October 29, 100 activists of a Hindu fundamentalist group attacked the Philadelphia Church in Tichakiya village and demolished it, according to a news reports. On November 30, newspapers reported that Muslim terrorist groups, including Al-Qaida, have targeted the Missionaries of Charity in Calcutta. Press reports stated that extremist groups have targeted the nuns because they receive economic aid from the United States to convert Muslims to Christianity. The fear of conversion of Hindus and Muslims by Christians was highlighted in a August 15 statement by Prime Minister Vajpayee. He stated that "There is a conversion motive behind the welfare activities being carried out by some Christian missionaries in the country's backward areas, and it is not proper, although conversion is permissible under the law."

During 2000 there were numerous attacks on Christians throughout the country, including a series of attacks in Uttar Pradesh in April 2000 and the bombing of a Christian meeting in Andhra Pradesh in May 2000. The Muslim extremist organization Deendar Anjuman was implicated in the bombing, several of its members were arrested and charged in connection with the incident, and the group was banned on May 3. In June 2000, Vijay Ekka, a witness in the killing earlier that month of a priest in Mathura, died in police custody. The NCM investigated the April 2000 incidents in Uttar Pradesh; it reported that the incidents were not religiously motivated. The report was widely criticized.

In January 1999, Australian missionary Graham Staines and his two young sons were killed by a mob shouting Hindu slogans in Manoharpur, Keonjhar district, Orissa. Police arrested Dara Singh in January 2000 and charged him with killing Staines and his two sons (see Section 2.c.); Singh also was charged with the killings of another Christian and a Muslim. Singh remained in custody and the charges against him and 14 others still were pending at year's end. In September 2000, a special court in Bhubaneswar, Orissa, convicted a 13-year-old boy of complicity in the killing of Staines and his two sons. He was sentenced to 14 years' imprisonment. The Wadhwa Commission established to investigate the Staines murders presented its findings in August 1999. The report concluded that Dara Singh masterminded the killing and effectively exonerated the Hindu organizations and political parties that had been accused of complicity. The NCM, other human rights groups, and some Christian groups criticized the Commission's findings as a coverup. The NCM separate inquiry found evidence suggesting that the Bajrang Dal was involved in the Staines' killings.

There were a number of church burnings and bombings in 2000; however, none were reported during the year.

Since 1998 there has been increased harassment of Christian aid workers. Many report having been hampered in their work through threats, bureaucratic obstacles, and, in some cases, physical attacks on their workers. Several Christian relief organizations have reported difficulty in obtaining visa renewal for foreign relief workers (see Sections 2.d. and 4).

The NHRC expressed its concern at the upsurge of violence against Christians in 2000, demanding that the Government announce the steps that it was taking to protect the Christian community. Speaking in Parliament in August 2000 on the series of church bombings in 2000, Home Minister L.K. Advani stated that “the Center, in consultation with the affected states, will take stern action against those found guilty of instigating attacks against Christians.”

Other incidents affecting religious minorities during 2000 occurred in Tripura, at which Christian militants imposed bans on Hindu and Muslim festivals, and in Assam, in which Hindu concern over the continued influx of illegal Muslim immigrants from Bangladesh grew (see Section 2.c.).

The practice of dedicating or marrying young, prepubescent girls to a Hindu deity or temple as “servants of God” (also known as Devadasis), is reported by HRW to continue in several southern states, including Andhra Pradesh and Karnataka. Devadasis, who generally are Dalits, may not marry. They are taken from their families and are required to provide sexual services to priests and high caste Hindus (see Section 6.c.). Reportedly, many eventually are sold to urban brothels. In 1992 the Karnataka state passed the Karnataka Devadasi (Prohibition) Act and called for the rehabilitation of Devadasis, but this law suffers from a lack of enforcement and criminalizes the actions of Devadasis. Since Devadasis are by custom required to be sexually available to higher caste men, it reportedly is difficult for them to obtain justice from the legal system if they are raped.

National/Racial/Ethnic Minorities.—The country’s caste system has strong historic ties to Hinduism. It delineates clear social strata, assigning highly structured religious, cultural, and social roles to each caste and subcaste. Members of each caste—and frequently each subcaste—are expected to fulfill a specific set of duties (known as dharma) in order to secure elevation to a higher caste through rebirth. Dalits (formerly called untouchables) are viewed by many Hindus as separate from or “below” the caste system; nonetheless, they too are expected to follow their dharma if they hope to achieve caste in a future life. Despite longstanding efforts to eliminate the discriminatory aspects of caste, the practice remains widespread.

The practice of untouchability along with tribal people, occupy the lowest strata of the caste system) was outlawed in theory by the Constitution and the 1955 Civil Rights Act, but it remains an important aspect of life. Untouchability refers to the social restrictions imposed on persons because of their birth into certain Hindu castes. Dalits are considered unclean by higher caste Hindus and thus traditionally are relegated to separate villages or neighborhoods and to low paying and often undesirable occupations (such as scavenging, street sweeping, and removing human waste and dead animals). Many rural Dalits work as agricultural laborers for higher caste landowners. By custom Dalits may be required to perform tasks for upper caste Hindus without remuneration. The majority of bonded laborers are Dalits (see Section 6.c.). Dalits are among the poorest of citizens, generally do not own land, and often are illiterate. They face significant discrimination despite the laws that exist to protect them, and often are prohibited from using the same wells and from attending the same temples as higher caste Hindus, and from marrying persons from higher castes. In addition they face segregation in housing, in land ownership, on roads, and on buses. Dalits tend to be malnourished, lack access to health care, work in poor conditions (see Section 6.e.), and face continuing and severe social ostracism. According to HRW, “Most Dalits continue to live in extreme poverty, without land or opportunities for better employment or education.” In contrast the highest caste, the Brahmin, with 3.5 percent of the population, holds 78 percent of the judicial positions and about 50 percent of parliamentary seats. NGO’s report that crimes committed by higher caste Hindus against Dalits often go unpunished, either because the authorities do not prosecute vigorously such cases or because the crimes are unreported by the victims, who fear retaliation. In recent years, groups—including some that use violence—have organized to protect Dalit rights.

A survey conducted during the first half of the year by the Protection of Civil Rights wing of the Tamil Nadu Adiravidar (indigenous peoples) Department identified 191 villages in Tamil Nadu where caste-based oppression and violence, and the practice of untouchability, are prevalent. Several human rights groups, however, believe that this number is too low. Human rights groups allege that in many Tamil Nadu villages, scheduled castes are not allowed to participate in local festivals, own houses or property in upper caste areas, share upper caste burial grounds, or draw water from public wells in upper-caste neighborhoods. The erection of statues of

Dalit heroes or of the flags of Dalit parties in public places often becomes the cause of inter-caste tension. In several village teashops, Dalits are served beverages in separate cups (the so called two-tumbler system).

In July Salem Sessions Court of Tamil Nadu sentenced 17 persons to life imprisonment in a case relating to the killing of six Dalits, including the president of Melalvalavu Panchayat (local authority), in 1997. The murder was the result of a longstanding feud between Dalits and a dominant peasant caste, exacerbated by the Panchayat elections of 1996. According to press reports, some members of the higher caste disagreed with the State Election Commission's decision to reserve the Melalvalavu Panchayat presidency for Dalits, and forcibly closed the Panchayat office for several days. When the president and his associates filed a complaint with the district authorities about the incident, they were hacked to death.

The Constitution gives the President the authority to identify historically disadvantaged castes, Dalits, and tribal people (members of indigenous groups historically outside the caste system). These "scheduled" castes, Dalits, and tribes are entitled to affirmative action and hiring quotas in employment, benefits from special development funds, and special training programs. The impact of reservations and quotas on society and on the groups they are designed to benefit is a subject of active debate. According to the 1991 census, scheduled castes, including Dalits, made up 16 percent, and scheduled tribes were 8 percent of the country's 1991 population of 846 million. Christians historically have rejected the concept of caste. However, because many Christians descended from low caste Hindu families, many continue to suffer the same social and economic limitations that low caste Hindus do, particularly in rural areas. Low caste Hindus who convert to Christianity lose their eligibility for affirmative action programs. Those who become Buddhists or Sikhs do not. In some states, government jobs are reserved for Muslims of low caste descent.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act lists offenses against disadvantaged persons and provides for stiff penalties for offenders. However, this act has had only a modest effect in curbing abuse. Under the Act, 996 cases were filed in Tamil Nadu and 1,254 cases in Karnataka in 2000. Human rights NGO's allege that caste violence is on the increase.

Intercaste violence claims hundreds of lives annually; it was especially pronounced in Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Tamil Nadu, and Andhra Pradesh. In June in Bhojpur, Bihar, four Dalits were attacked by an upper-caste mob on suspicion of stealing a rifle from a wealthy farmer of a higher caste.

Social pressures to enforce rigid caste lines in all social settings can lead to extraordinary episodes of vigilante retribution. In Uttar Pradesh on August 6, a young couple, a Brahmin boy and a Jat (lower caste) girl, were hanged publicly by their own families in front of most of the village as punishment for refusing to break off a cross-caste relationship. While much more rare in urban settings, such extreme examples of intolerance occur regularly in rural parts of the country.

Complicated social and ethnic divisions in society can create severe localized discrimination. For example, the Pardhis, a small former itinerant community in Maharashtra, face discrimination at the hands of the police and the rest of rural society in the area in which they live. In the small town of Kalamb in northern Maharashtra, the police arrested nine members of the Pardhi community as suspects in a robbery case on August 28. When the Pardhi community held a protest march on August 29, a mob burned 50 Pardhi homes. Due to sustained pressure from state human rights activists and the local media, the police filed cases against the several persons. The local media, however, frequently is biased against minorities in Maharashtra, and continued to report that the Pardhi community burned its own dwellings to qualify for government compensation.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association and the Government generally respected this right in practice. Workers may establish and join unions of their own choosing without prior authorization. More than 400 million persons make up the country's active work force. Some 30 million of these workers are employed in the formal sector. The rest overwhelmingly are agricultural workers and, to a lesser extent, urban nonindustrial laborers. While some trade unions represent agricultural workers and informal sector workers, most of the country's estimated 13 to 15 million union members are part of the 30 million member formal sector. Of these 13 to 15 million unionized workers, some 80 percent are members of unions affiliated with one of the 5 major trade union centrals. All major trade union centrals are affiliated to a greater or lesser extent with particular political parties. Central unions have stressed their independence and in some cases are attempting to sever previously tight party control. On April 25, several trade unions organized a one-day strike in Maharashtra to protest the state government's

attempts to bring about labor law reforms, which they felt would adversely affect them.

Trade unions often exercise the right to strike, but public sector unions are required to give at least 14 days' notice prior to striking. Some states have laws requiring workers in certain nonpublic sector industries to give notice of a planned strike.

The Essential Services Maintenance Act allows the Government to ban strikes and requires conciliation or arbitration in specified "essential" industries. Legal mechanisms exist for challenging the assertion that a given dispute falls within the scope of this act. However, the essential services never have been defined in law. The act thus is subject to varying interpretations from state to state. The Maharashtra government passed a law in 1999 banning strikes in essential services, including transport services, milk supply services, the electricity department, and hospitals. The Industrial Disputes Act prohibits retribution by employers against employees involved in legal strike actions. This prohibition is observed in practice.

The Kerala High Court declared that all general strikes (bandhs) were illegal and all organizers of protests would be liable for losses caused by shutdowns. The Supreme Court upheld the verdict drawing attention to the difference between a complete closedown of all activities (bandh) and a general strike (hartal). While it is likely that the ruling was introduced in relation to political strikes, unions stated that it remained a potential threat to their activities. Other court rulings also have declared strikes illegal and have made striking workers pay damages because consumers and the public suffered during strikes.

According to Ministry of Labor statistics, as of May there had been 23 strikes and lockouts throughout the country, involving 21,572 workers. In all, 241,187 person-days were lost due to strikes and 50,154 "person-days" were lost due to lockouts during this period. For example, in April workers in a majority of industrial units located in Mumbai and neighboring regions of Maharashtra went on a 1-day strike to protest the Government's economic liberalization policies. During the year, 7,000 workers at the government-owned Bharat Aluminium Company went on a 67-day strike to protest the sale of the company to a private entrepreneur. The strike ultimately was called off following an agreement reached between the private entrepreneur and the workers after the Supreme Court intervened. The Industrial Disputes Act prohibits retaliation against strikers, provided that the strike is legal.

When abuses, such as intimidation or suppression of legitimate trade union activities, are perpetrated against nationally organized or other large-scale unions or unionized workers, the authorities generally respond by prosecuting and punishing those persons responsible. Unaffiliated unions are not able, in all instances, to secure for themselves the protections and rights provided by law.

In June 2000, the Government announced its intention to modify the Trade Union Act. The Government convened the Indian Labor Conference, which brought together government and trade union representatives to discuss modification of the Trade Union Act, but the conference took no substantive action on the act and it remained unchanged at year's end.

Unions are free to affiliate with international trade union organizations. The Indian National Trade Union Congress and the Hind Mazdoor Sabha are affiliated with the International Confederation of Free Trade Unions (ICFTU), and the All India Trade Union Congress is affiliated with the World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—The right to bargain collectively has existed for decades. The Trade Union Act prohibits discrimination against union members and organizers, and employers are penalized if they discriminate against employees engaged in union activities.

Collective bargaining is the normal means of setting wages and settling disputes in unionized plants in the organized industrial sector. Trade unions vigorously defend worker interests in this process. Although a system of specialized labor courts adjudicates labor disputes, there are long delays and a backlog of unresolved cases. When the parties are unable to agree on equitable wages, the Government may establish boards of union, management, and government representatives to determine them.

In practice legal protections of worker rights are effective only for the 30 million workers in the organized industrial sector, out of a total work force of more than 400 million persons. Outside the modern industrial sector, laws are difficult to enforce. Union membership is rare in the informal sector, and collective bargaining does not exist.

There are seven Export Processing Zones (EPZ's). Entry into the EPZ's ordinarily is limited to employees. Such entry restrictions apply to union organizers. All companies bus their workers directly to and from the factory. While workers in the

EPZ's have the right to organize and to bargain collectively, union activity is rare. In addition unions have not pursued vigorously efforts to organize private-sector employees in the years since EPZ's were established. Women constitute the majority of the work force in the EPZ's. The ICFTU reports that overtime is compulsory in the EPZ's, that workers often are employed on temporary contracts with fictitious contractors rather than directly by the company, and that workers fear that complaints about substandard working conditions would result in their being fired. In June 2000, the Government announced its intention to establish special economic zones patterned on the Chinese model, and on November 1, 2000, four out of seven existing EPZ's were converted without significant opposition. These zones are not exempt from labor legislation.

c. Prohibition of Forced or Compulsory Labor.—Both the Constitution and specific statutes prohibit forced or compulsory labor, and bonded labor, as a form of compulsory labor, also is prohibited by statute; however, such practices are widespread. The Bonded Labor System (Abolition) Act prohibits all bonded labor, by adults and children. Offenders may be sentenced to up to 3 years in prison, but prosecutions are rare. Enforcement of this statute, which is the responsibility of state and local governments, varies from state to state and generally has not been effective, due to inadequate resources and to societal acceptance of bonded or forced labor. Labor inspectors at the state and local level have overwhelming case loads, and in many cases, do not receive adequate support or protection to challenge employers, who often have direct access to government officials. On the occasions when inspectors refer violations for prosecution, long court backlogs and inadequate funding for legal counsel frequently result in acquittals. NGO's estimate that there are 5 to 40 million bonded laborers in the country, including a large number of children (see Section 6.d.). According to HRW, the majority of bonded laborers are Dalits (see Section 5), and bondage is passed from one generation to the next.

A Supreme Court decision defined forced labor as work at less than the minimum wage, which usually is set by the state governments. Under this definition, which differs from that of the ILO, forced labor is widespread, especially in rural areas.

Bonded labor, the result of a private contractual relationship whereby a worker incurs or inherits debts to a contractor and then must work off the debt plus interest, is illegal but widespread. The Government estimates that between enactment of the Bonded (Abolition) Act in 1976 and March, 280,411 bonded workers were released from their obligations. Other sources maintain that those released constituted only one-twentieth of the total number of bonded laborers. State governments provide a sum of money to workers freed from bondage for their rehabilitation. The NHRC has formed a high-level Central Action Group, which routinely reviews compliance with the Bonded Labor System Act. The NHRC also has appointed a special rapporteur to work in Andhra Pradesh, Karnataka, Kerala, and Tamil Nadu and report on compliance. In addition, the NHRC instituted a system for receiving regular reports on bonded labor from the states. The NHRC also assessed the bonded labor problem, identifying state districts in which it especially is acute. It identified and evaluated NGO's working in these areas and conducted training in bonded labor law enforcement for district officials in the acutely affected areas. Some press reports indicate that Tamil Nadu alone has an estimated 25,800 bonded laborers, in response to which the state government began implementing and continues to work on rehabilitation plans. In 1999 alone, it allocated \$1.25 million (54.4 million Rs) for these plans. According to the Union Ministry of Labor Statistics, from 1976 to March 31, 2000, the Tamil Nadu government identified and released 63,894 bonded laborers. Government officials worked to release other bonded laborers in many of the country's states. In August the Tamil Nadu based Society for Community Organization secured the release of 20 children aged between 9 and 18 years from bondage from three different locations in the state of Andhra Pradesh. The children had been sold to private slave traders. In West Bengal, organized traffic in illegal Bangladeshi immigrants is a source of bonded labor (see Section 6.f.).

The working conditions of domestic servants and children in the workplace often amount to bonded labor. Children sent from their homes to work because their parents cannot afford to feed them, or in order to pay off a debt incurred by a parent or relative, have no choice in the matter. There are no universally accepted figures for the number of bonded child laborers. However, in the carpet industry alone, human rights organizations estimate that there may be as many as 300,000 children working, many of them under conditions that amount to bonded labor. Officials claim that they are unable to stop this practice because the children are working with their parents' consent. In addition there is a reasonable basis to believe that products were produced using forced or indentured child labor in the following industries: Brassware; hand-knotted wool carpets; explosive fireworks; footwear; hand-blown glass bangles; hand-made locks; hand-dipped matches; hand-broken quarried

stones; hand-spun silk thread and hand-loomed silk cloth; hand-made bricks; and beedis (hand-rolled cigarettes). A number of these industries expose children to particularly hazardous work conditions (see Section 6.d.). In its first attempt to address the issue of domestic child labor, during 2000 the Government issued a notification prohibiting government employees from hiring children as domestic help. Those employers who failed to abide by the law are subject to penalties provided by the Bonded Labor System (Abolition) Act (such as fines and imprisonment), and also to disciplinary action at the workplace.

Bonded child labor in silk twining factories in and around the town of Magadi is a problem. The labor commissioner estimated that there are 3,000 bonded child laborers in the Magadi silk twining factories. In response UNICEF has started a non formal education program for the estimated 3,000 bonded child laborers working in the industry. By late 2000, approximately 260 children had been enrolled. In addition UNICEF began a micro-credit program for the parents of these children to create income-generating opportunities as an alternative to child labor.

In Punjab persons routinely are sold in an organized trade in weekend bazaars for the purposes of forced domestic labor and forced sexual service.

In December 1999, the domestic media reported that child laborers were being sold in an organized ring at the annual Sonepur cattle fair in Bihar. According to these reports, children from impoverished families in surrounding districts are brought to the fair and sold. One reporter talked to a buyer, a shopkeeper, who paid \$21 (900 Rs) for a 12-year-old child. Persons sometimes are sold into virtual slavery (see Sections 5 and 6.f.).

NGO's such as the Bonded Labor Liberation Front worked to release bonded laborers throughout the year.

Female bondage, forced prostitution, and trafficking in women and children for the purpose of prostitution are widespread problems (see Section 6.f.). According to press reports, prison officials have used prisoners as domestic servants and sold female prisoners to brothels (see Section 1.c.). Devadasis, prepubescent girls given to a Hindu deity or temple as "servants of God," are taken from their families and required to provide sexual services to priests and high caste Hindus. Reportedly, many eventually are sold to urban brothels (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government prohibits forced and bonded child labor but does not enforce this prohibition effectively and forced child labor is a problem. Article 24 of the Constitution and the Child Labor (Prohibition and Regulation) Act are the principal protections against the exploitation of children in the workplace. Provisions for the protection of children in the workplace also are made in the Beedi and Cigar Workers (Condition of Employment) Act, the Factories Act, the Mines Act, the Motor Transport Workers Act, the Plantations Labor Act, and the Minimum Wages Act.

The Government continued its plan to eliminate child labor from hazardous industries and eventually from all industries, but it did not repeat the previous government's pledge to accomplish the former by 2000 and the second by 2010. This program, for which approximately \$56.69 million (2.64 billion Rs) has been budgeted since 1992, includes the enhanced enforcement of child labor laws, income supplements for families, subsidized school lunches in areas which child labor is concentrated, and a public awareness campaign. The Government continued efforts initiated in 1987 to enhance enforcement of the Child Labor (Prohibition and Regulation) Act and other laws prohibiting and regulating child labor.

Work by children under 14 years of age is barred completely in "hazardous industries," which includes among other things, passenger, goods, and mail transport by railway. In 1999 the Government added 6 occupations and 33 processes to the list of occupations and processes in which children are barred from working by the Child Labor (Prohibition and Regulation) Act. The additions brought the totals to 13 occupations and 51 processes in which children are prohibited from working under the act. Child labor is prohibited in certain hazardous industries where there are specific age limits for specific jobs; however, there is no overall minimum age for child labor.

In addition to industries that utilize forced or indentured child labor (see Section 6.c.), there is evidence that child labor is used in the following industries: Hand-knotted carpets; gemstone polishing; leather goods; and sporting goods.

The enforcement of child labor laws is the responsibility of the state governments. Enforcement is inadequate, especially in the informal sector in which most children who work are employed. The continuing prevalence of child labor is attributed to social acceptance of the practice, to the failure of the state and federal governments to make primary school education compulsory, and ineffective state and federal government enforcement of existing laws. In occupations and processes in which child

labor is permitted, work by children is permissible only for 6 hours between 8 a.m. and 7 p.m., with 1 day's rest weekly.

The Government established the National Child Labor Project (NCLP) to release children from hazardous work places and provide them with transitional schooling leading to mainstreaming in regular schools and other forms of assistance. In addition government programs assist working children in rural development, women and children's development, health, and adult job creation programs. As of December 2000, the NCLP had 96 projects in 13 states. From April 2000 to December 31, 205,800 children participated in the NCLP. During their participation in the NCLP, the children's families are given a small stipend—usually \$2.15 to \$4.30 (100 to 200 Rs) per month.

Nevertheless government efforts to eliminate child labor have affected only a small fraction of children in the workplace. A Supreme Court decision increased penalties for employers of children in hazardous industries to \$430 (20,000 Rs) per child employed and established a welfare fund for formerly employed children. The Government is required to find employment for an adult member of the child's family or pay \$108 (5,000 Rs) to the family instead. According to the South Asian Coalition on Child Servitude (SACCS), authorities are pursuing some 6,000 cases against employers. The Supreme Court ruling also has helped make local government officials more aware of the prohibitions against child labor in hazardous industries. This in some cases has helped improve cooperation between local officials and NGO's like SACCS that are removing children from hazardous workplaces. In the hand-knotted carpet producing area of Uttar Pradesh, the NHRC and NGO's have worked with the state government to establish a task force for the elimination of child labor. In Bhadohi district, Uttar Pradesh, SACCS and local law enforcement officials released 11 child laborers from work on looms for the production of hand-knotted carpets and initiated legal proceedings against the employer. During 2000, SACCS helped release approximately 135 child laborers in Bhadohi district alone. Since 1999 SACCS has freed over 34,000 children from the work force; it also operates an education and training center for children in New Delhi. In 1999 and 2000, SACCS freed 541 child laborers throughout the country through raids with law enforcement authorities on illegal workplaces. SACCS's intervention with parents resulted in the release of an additional 2,758 children, and its referral of cases to law enforcement agencies resulted in the release of 3,994 more child laborers over the same period. In many cases, charges were brought against the employers under the Child Labor (Prohibition and Regulation) Act. According to the Tamil Nadu Labor Department, 155 child laborers were freed from illegal workplaces between April and October 1999, out of the 10,118 child laborers identified in 2 surveys carried out in the state in 1997. State labor officials acknowledged that many more child laborers exist in the state.

Estimates of the number of child laborers range widely. The Government census of 1991 puts the number of child workers at 11.28 million. The ILO estimates the number at 44 million, while NGO's state that the figure is 55 million. Most, if not all, of the 87 million children not in school do housework, work on family farms, work alongside their parents as paid agricultural laborers, work as domestic servants, or otherwise are employed.

Employers in some industries also have taken steps to combat child labor. The Carpet Export Promotion Council (CEPC), a quasi governmental organization that receives funding from the Ministry of Textiles, has a membership of 2,500 exporters who have subscribed to a code of conduct barring them from purchasing hand-knotted carpets known to have been produced with child labor. The CEPC conducts inspections to insure compliance, and allows members to use voluntarily a government-originated label to signify adherence to the code of conduct. Rugmark, which is a private initiative, operates a similar voluntary label scheme. Rugmark has 228 exporter members who buy carpets from the 28,118 looms registered with Rugmark. However, the CEPC states that even with the program it is impossible to ensure that a carpet has been produced without child labor, given the difficulties of monitoring a decentralized and geographically dispersed industry. A private-sector research and consulting firm conducts the inspections, which cover only 10 percent of registered looms. The inspectors have difficulty locating unregistered looms. The Government also cooperates with UNICEF, UNESCO, the UNDP, and the ILO in its efforts to eliminate child labor. The Government participates in the ILO's International Program on the Elimination of Child Labor (IPEC). Approximately 90,000 children have been removed from work and have received education and stipends through IPEC programs since they began in the country in 1992.

The NHRC, continuing its own child labor agenda, organized NGO programs to provide special schooling, rehabilitation, and family income supplements for children in the glass industry in Firozabad. The NHRC also intervened in individual cases.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The directive principles of the Constitution declare that “the State shall endeavor to secure . . . to all workers . . . a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities.” Laws set minimum wages, hours of work, and safety and health standards. Laws governing minimum wages and hours of work generally are observed in industries subject to the Factories Act but largely are unenforced elsewhere and do not ensure acceptable conditions of work for the 90 percent of the work force not subject to the Factories Act.

Minimum wages vary according to the state and to the sector of industry. Such wages provide only a minimal standard of living for a worker and are inadequate to provide a decent standard of living for a worker and family. Most workers employed in units subject to the Factories Act receive more than the minimum wage, including mandated bonuses and other benefits. The state governments set a separate minimum wage for agricultural workers but do not enforce it effectively. Some industries, such as the apparel and footwear industries, do not have a prescribed minimum wage in any of the states in which such industries operate.

The Factories Act establishes an 8-hour workday, a 48-hour workweek, and various standards for working conditions. These standards generally are enforced and accepted in the modern industrial sector, but tend not to be observed in older and less economically robust industries. State governments are responsible for enforcement of the Factories Act. However, the large number of industries covered by a small number of factory inspectors and the inspectors’ limited training and susceptibility to bribery result in lax enforcement.

The enforcement of safety and health standards also is poor. Although occupational safety and health measures vary widely, in general state and central government resources for inspection and enforcement of standards are adequate. However, as awareness grows, the courts have begun to take work-related illnesses more seriously.

Industrial accidents continued to occur frequently due to improper enforcement of existing laws. Chemical industries are the most prone to accidents. According to the Director General of Mines’ safety rules, mining companies must seal the entrances to abandoned underground mines and opencast mines are to be bulldozed and reforested. These rules seldom are obeyed, if ever. According to the Government, during the period from April to September 2000, 90 persons were killed in mining accidents. In February the collapse of a mine wall led to the death of more than 30 miners. An investigation into the cause of the disaster began during the year. Illegal mining is rampant. Oswal Fertilizer Ltd.’s (OFL) Diamonium Phosphate fertilizer plant at Paradip, Orissa, began operations in May 2000. Eleven workers died during the plant’s construction; an additional 6 persons were killed and 51 others were injured in a series of accidents at the plant between May and September 2000. None of the workers were using safety equipment. Seven criminal cases have been brought against OFL in connection with the accidents.

Safety conditions tend to be better in the EPZ’s.

The law does not provide workers with the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

Legal foreign workers are protected under the law; however, illegal foreign workers have no protection.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons is a serious problem. NGO’s allege that corruption at the enforcement level helps to perpetuate the problem. The country is a significant source, transit point, and destination for numerous trafficked persons, primarily for the purposes of prostitution and forced labor. The country is a destination country for Nepali and Bangladeshi women and girls trafficked for the purpose of labor and prostitution. Internal trafficking of women and children is widespread. To a lesser extent, India is a country of origin for women and children trafficked to other countries in Asia, the Middle East, and the West. The country serves as a transit point for Bangladeshi girls and women trafficked for sexual exploitation to Pakistan, and for boys trafficked to the Gulf States to work as camel jockeys.

Over 2.3 million girls and women are believed to be working in the sex industry against their will within the country at any given time, and more than 200,000 persons are believed to be trafficked into, within, or through the country annually. Women’s rights organizations and NGO’s estimate that more than 12,000 and perhaps as many as 50,000 women and children are trafficked into the country annually from neighboring states for the sex trade. According to an ILO estimate, 15 percent of the country’s estimated 2.3 million prostitutes are children, while the U.N.

reports that an estimated 40 percent are below 18 years of age. Many tribal women are forced into sexual exploitation. The Situation Report India (DWCD) 1998 estimated that 61 percent of commercial sex workers in India belong to lower castes or are refugees or illegal migrants. Trafficking in, to, and through the country largely is controlled by organized crime.

There is a growing pattern of trafficking in child prostitutes from Nepal. According to one estimate, 5,000 to 10,000 children, mostly between the ages of 10 and 18, are drawn or forced into this traffic annually. Girls as young as 7 years of age are trafficked from economically depressed neighborhoods in Nepal, Bangladesh, and rural areas of India to the major prostitution centers of Mumbai, Calcutta, and New Delhi. There are approximately 100,000 to 200,000 women and girls working in brothels in Mumbai and 40,000 to 100,000 in Calcutta. In Mumbai an estimated 90 percent of sex workers began when they were under 18 years of age; half are from Nepal. A similar profile is believed to exist among female sex workers in Calcutta, although the vast majority of women who are trafficked there come from Bangladesh, as opposed to Nepal. NGO's in the region estimate that about 6,000 to 10,000 girls are trafficked annually from Nepal to Indian brothels, and that a similar number are trafficked from Bangladesh.

In West Bengal, the organized traffic in illegal Bangladeshi immigrants is a source of bonded labor. In June 2000, police in Krishnagar, West Bengal, detained 8 Bangladeshi women and 14 children transiting the district by bus. Agents allegedly smuggled the group from Jessore, Bangladesh, across the border at Bongaon by offering them employment in Mumbai. Calcutta is a convenient transit point for traffickers who send Bangladeshis to New Delhi, Mumbai, Uttar Pradesh, and West Asia. Persons sometimes are sold into virtual slavery.

Within the country, women from economically depressed areas often move into the cities seeking greater economic opportunities, and once there are victimized by traffickers who force or coerce them into the sex trade. However, in some cases family members sell young girls into the sex trade. For example, according to a local NGO researcher, in one village in Uttar Pradesh, girls 1 to 2 years of age are purchased from their parents and adopted by persons who train them for the sex trade through the use of pornographic materials, and then sell them into the sex trade when they are 7 to 12 years old.

The northeastern states of Meghalaya, Manipur, and Tripura are source areas for internally trafficked women and girls. West Bengal is a source for women and girls trafficked to Mumbai, Delhi, Uttar Pradesh, and Punjab for the commercial sex trade. The women involved in Mumbai's sex trade are mainly from Karnataka, rural Maharashtra, Tamil Nadu, Orissa, Bangladesh, and Nepal.

Many indigenous tribal women are forced into sexual exploitation. According to the Indian Center for Indigenous and Tribal Peoples (ICITP), more than 40,000 tribal women, mainly from Orissa and Bihar, were forced into economic and sexual exploitation; many come from tribes that were driven off their land by national park schemes. In Punjab persons of both sexes are sold in an organized trade in weekend bazaars, ostensibly as farm labor; many instead are purchased for the purposes of forced sexual service.

In December 1999, the media reported that an organized ring was selling children from surrounding areas for labor at the annual Sonepur cattle fair in Bihar. There was a report that a 12-year-old child was purchased for \$21 (900 Rs). In July 2000, a Mangalore, Karnataka-based NGO reported that tribal children were being auctioned in the Dakshina-Kanara district of the state primarily for use as domestic servants. The Karnataka Department of Social Welfare initiated an investigation, which it completed in 2000 (see Sections 5 and 6.c.). It found that the children were not being auctioned, but that better-off families in the district were employing many of them as domestic servants. The Department of Social Welfare suggested that more efficient implementation of ongoing development programs for tribal people in the district offered the best remedy for the child labor problem.

The number of women being trafficked out of the country to other countries is comparatively low. In July 2000, authorities cooperated with U.S. investigators seeking evidence in the prosecution of Lakreddy Bali Reddy, a U.S. citizen of Indian birth, who was indicted for trafficking minor girls for sexual exploitation from a rural area of Andhra Pradesh to the U.S. Reddy allegedly paid the airfares and expenses of 350 to 400 young men and women aged approximately 13 to 18 years, mostly from low castes, and obtained their passports and visas—ostensibly to work as specialty cooks or laborers in his restaurants or apartment business. However, upon arrival in the U.S., the girls reportedly were put to work in a prostitution ring. Some of the girls claimed that Reddy had sex with them in India after their parents sold them; at least one victim was 12 years old.

Many boys, some of whom are as young as age 4, are trafficked to West Asia or the Persian Gulf States (especially the United Arab Emirates), and end up as camel jockeys in camel races. Some such boys end up as beggars in Saudi Arabia during the hajj. It is estimated that there are anywhere from 100 to over 1,000 underage South Asian camel jockeys (from Pakistan, India, and Bangladesh) working in the United Arab Emirates alone. Criminal gangs procure most of the youths. The majority of such children work with the knowledge of their parents, who receive as much as \$200 (9,300 Rs) for their child's labor, although a significant minority simply are kidnaped. The gangs bringing the jockeys earn approximately \$150 (6,975 Rs) per month from the labor of each child. The usual procedure used for bringing the children to the Gulf States is to have their names added to the passport of a Bangladeshi or Indian woman who already has a visa for the Gulf; the children fraudulently are claimed to be her children. Girls and women are trafficked to the Persian Gulf States to work as domestic workers or sex workers.

The National Commission for Women reported that organized crime plays a significant role in the country's sex trafficking trade, and that women and children who are trafficked frequently are subjected to extortion, beatings, and rape. How women are trafficked varies widely: some are abducted forcibly or drugged, while others are made false offers of marriage, employment, or shelter. Poverty, illiteracy, and lack of employment opportunities contribute to the trafficking problem, although organized crime is a common element in all trafficking incidents, as is police corruption and collusion.

Trafficking in women and children is a dynamic process. It may start with consent and later become a matter of force and deception, or the victim may be kidnaped. Deception, misrepresentation, exploitation, force, coercion, and abuse of authority are often used as a means for trafficking. The popular view is that kidnaping is common. However, studies indicate that neither traffickers nor the recruiters are interested in kidnaping. They prefer to negotiate with guardians by offering false job or marriage proposals, which is relatively easy and low risk.

In some cases former sex workers and brothel owners act as procurers or work through contacts in village to dazzle impoverished villagers with their wealth in order to entice women into the business. They help needy families with money (as an advance in salary), taking the victims as surety. Most transactions are carried out with the complicity of family member or neighbor, and at times the parents who know the true intent but feign ignorance. In transshipment, they are handed over by procurers, brokers, and intermediaries usually not known to authorities as ones with criminal records.

NGOs allege that ignorance of trafficking, a lack of political resolve to tackle it, and corruption at the enforcement level perpetuate the problem. Although the police are charged with enforcing the country's laws on prostitution and trafficking in women and children, NGOs, observers, and sex workers uniformly view police actions as part of the problem. Sex workers in Mumbai and Calcutta claim that harassment, extortion, and occasional arrests on soliciting charges usually characterize police intervention. The police seldom are seen as a positive force that addresses the violence of pimps and traffickers while protecting underage girls from bonded sex labor. A commonly held view among sex workers and NGOs is that local police and politicians responsible for the redlight areas receive bribes from organized crime networks to protect the lucrative sex trade.

Victims of trafficking are subject to threats including emotional blackmail, violence, and confinement, as well as the threat of apprehension by authorities, detention, prosecution and deportation. Most victims of trafficking do not possess identity documents. Once removed from their communities to an area dominated by a different culture and a different language or dialect, it is difficult for victims of trafficking to find their way back home, where they may face social ostracism.

The penalty for traffickers is prescribed by the ITPA. If the offense had been committed against a child (below 16 years), the punishment is imprisonment for 7 years to life. If the victim is a minor (16 to 18 years), the punishment is from 7 to 14 years. Other penalties under the act range from minimum terms of imprisonment of 1 year for brothel-keeping, to minimum terms of 7 years to life imprisonment for detaining a person, with or without consent, for prostitution.

The Prevention of Immoral Trafficking Act (PITA), supplemented by the Penal Code, prohibits trafficking in human beings and contains severe penalties for violations. The Constitution also prohibits trafficking in persons. The PITA toughened penalties for trafficking in children, particularly by focusing on traffickers, pimps, landlords, and brothel operators, while protecting underage girls as victims. The PITA requires police to use only female police officers to interrogate girls rescued from brothels. The PITA also requires the Government to provide protection and rehabilitation for these rescued girls. In addition, under the PITA prostitution is not

a crime; the PITA criminalizes only solicitation or engaging in sex acts in or near a public place. Some NGO's note that this ambiguity, which was intended to protect trafficking victims, instead has been exploited to protect the sex industry.

However, the country's prostitution and trafficking laws are imposed selectively by police; clients and organizers of the sex trade tend not to be penalized, while prostitutes found soliciting or practicing their trade in or near (200 meters) public places are penalized. Due to the selective implementation the "rescue" of sex workers from brothels often leads to their revictimization. Using the PITA's provisions against soliciting or engaging in sexual acts, police regularly may arrest sex workers, extort money from them, evict them, and take their children from them. Clients of prostitutes, by comparison, largely are immune from any law enforcement threat, as clients have committed a crime only if they have engaged in a sex act with a sex worker in a public place or have had sex with a girl under the age of 16 years (statutory rape). Therefore, although the intention of the PITA was to increase enforcement efforts against the traffickers, pimps, and border operators, the opposite is the reality; a Calcutta NGO reports that on average, approximately 80 to 90 percent of the arrests made under the PITA in West Bengal state in the 1990's were of female sex workers. Only a small fraction of arrests made under the PITA involve traffickers. Implementation of the PITA's provisions for protection and rehabilitation of women and children who are rescued from the sex trade is extremely poor. NGO's familiar with the legal history of prostitution and trafficking laws regard the failure of the judiciary to recognize this inequity in the law's implementation as a continuing "blind spot." Over the last several years, arrests and prosecutions under the PITA have remained relatively static, while all indications suggest a growing level of trafficking into and within the country.

The Government is proposing amendments to the PITA to increase penalties for traffickers and to decriminalize the actions of sex workers. NGO's also have demanded that special PITA courts for speedy resolution of cases allow videotaped testimony so that underage victims need not be summoned back for trial.

Social welfare agencies of the central and state governments recognize that trafficking is widespread, but most are underfunded and typically are unable to implement antitrafficking plans effectively. The NGO community has taken the lead on prevention, protection, and prosecution of trafficking and has a mixed record in securing the cooperation of the state and local police. An NGO helped to rescue 153 children from brothels of New Delhi's redlight district between June and September.

There are roughly 80 NGO's in 10 states around the country working for the emancipation and rehabilitation of women and children trafficked into the sex trade.

A group on child prostitution established by the NHRC includes representatives from the National Commission for Women, the Department of Women and Child Development, NGO's, and UNICEF. It continued to meet throughout the year to devise means of improving enforcement of legal prohibitions.

NGO's and others allege that when police take action against brothels suspected of enslaving minors, the resulting police raids often are planned poorly and seldom are coordinated with NGO's or government social agencies. NGO's claim that without advance notice of police raids on brothels, they are not able to lend valuable assistance in identifying and interviewing underage victims. Moreover, police do not seek advice or assistance from NGO's in planning law enforcement action to protect the victims during raids. Therefore, the police action often worsens the situation of the girls and women indebted to traffickers and brothel owners. Girls rescued from brothels are treated as criminals and often are abused sexually by their police rescuers or by the staff of government remand centers, where they are housed temporarily before being brought back to the brothels as a result of the bribes paid by brothel operators, or legally released into the custody of traffickers and madams posing as relatives. In these cases, the debt owned by the girls to the brothel operators and traffickers further increases as the costs of bribing or legally obtaining release of the girls is added to their labor debt. In April in West Bengal remand home for destitute women, two girls attempted suicide following sexual torture by another inmate. In August another inmate tested positive for pregnancy, and it was discovered that the janitor was the inmates' baby's father. In June 2000, 14 underage rescued sex workers fled the government shelter in Mumbai, citing poor conditions and "inhuman treatment." In August 2000, the Mumbai High Court instructed the Maharashtra government to improve conditions in its rescue homes.

Some NGO's are very knowledgeable about the trafficking situation in the brothel areas such as Kamathipura, and can identify traffickers and the locations of girls being held captive by brothel owners. However, most of these NGO's are reluctant to trust the police with this information due to the past conduct of police in brothel raids and the likelihood that many trafficking victims would be arrested and revictimized rather than assisted by such raids. Cooperation among NGO's in sharing

information and assessing the magnitude and scope of the trafficking problem in Mumbai has not been significant to date, although it continues to improve. Some Mumbai NGO's have worked aggressively to sensitize, train, and create awareness of trafficking among local authorities. The NGO Prerana, which has been working closely with government officials, is an example. During 2000 a Prerana pilot program trained employees of a large Maharashtra government enterprise to identify and assist trafficking victims during their daily bus commute; Prerana also has enlisted the assistance of state police, who help train the workers. Conversely, other NGO's working to rescue trafficked women and girls from forced sexual exploitation report that complaint-based police rescues are quite effective. These are focused attempts to rescue a small number of women and girls using specific information about the victims locations, names and appearances, information; police responses in such cases frequently have resulted in the rescue of the women and girls involved.

Similar efforts to improve NGO coordination are being made in Calcutta, where 10 NGO's meet monthly as part of the Action Against Trafficking and Sexual Exploitation of Children (AATSEC) forum. Every 3 months the group attempts to meet with its Bangladeshi and Nepalese counterparts. Calcutta NGO's such as Sanlaap also are seeking to build stronger working relationships with local police. As a result of this coordination, Sanlaap has built stronger working relationships with police and other law enforcement officials in Calcutta. It has organized and sponsored meetings between representatives of the sex workers and police to discuss such issues as violence against women and trafficking. The seminars have helped sensitize police to the fact that many of the sex workers are the victims of organized traffickers. Sanlaap is usually the first organization Calcutta police turn to when they have rescued a trafficked sex worker. The NGO has been allowed to place a counselor at the West Bengal Remand Home for Women, where rescued trafficking victims are housed. It also has been permitted to place counselors in police stations within Calcutta's red light district and has convinced the courts to release young trafficking victims into its custody, instead of sending them to the remand home. Training and informational meetings have taken place under the AATSEC forum, which works with groups in Nepal and Bangladesh. The NHRC asked the committee that oversees the Hajj (pilgrimage) to require individual passports for children instead of allowing them to be included on that of their escort, in order to reduce trafficking of children. NHRC also advised the Government of West Bengal to make efforts to educate Muslims about child trafficking.

MALDIVES

The Republic of Maldives has a parliamentary style of government with a strong executive. The President appoints the Cabinet, members of the judiciary, and one-sixth of the Parliament. The President derives additional influence from his constitutional roles as the "Supreme authority to propagate the tenets of Islam." Political parties officially are discouraged, and candidates for the unicameral legislature, the People's Majlis, run as individuals. The Majlis selects a single presidential nominee who is approved or rejected in a national referendum. President Gayoom was approved for a fifth 5-year term in 1998. The Majlis must approve all legislation and is empowered to enact legislation without presidential approval. Civil law is subordinate to Shari'a (Islamic law), but civil law generally is applied in criminal and civil cases. The judiciary is subject to executive influence.

The National Security Service (NSS) performs its duties under effective civilian control. The NSS includes the armed forces and police, and its members serve in both police and military capacities during their careers. The Director of the NSS reports to the Minister of Defense. The police division investigates crimes, collects intelligence, makes arrests, and enforces house arrest.

Tourism and fishing provide employment for more than one-half of the work force. Tourism accounts for 30 percent of government revenues and roughly 70 percent of foreign exchange receipts. The population is approximately 270,000. Agriculture and manufacturing continue to play a minor role in the economy, which is constrained by a severe shortage of labor and lack of arable land. In 2000 gross domestic product (GDP) per capita was \$1,455 (17,128 Rufiyaa), and the GDP growth rate was approximately 5 percent.

The Government generally respected the human rights of its citizens; however, problems remain in some areas. The President's power to appoint a significant portion of the Parliament constrains citizens' ability to change their government. The Government limits freedom of assembly and association. There were significant re-

restrictions on the freedom of religion. In the past, the Government has detained arbitrarily and expelled foreigners for proselytizing and detained citizens who converted. Although the Government has undertaken a number of programs addressing women's issues, women faced a variety of legal and social disadvantages. The Government also restricted certain worker rights. A continued easing of government restrictions and the Press Council's balanced handling of issues related to journalistic standards allowed a greater diversity of views in the media.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them. There were no reports of beatings or other mistreatment of persons in police custody during the year. There were no reports of public floggings (which are allowed under Shari'a as interpreted in the country), as in past years. Punishments usually are confined to fines, compensatory payment, house arrest, imprisonment, or banishment to a remote atoll. The Government generally permits those who are banished to receive visits by family members.

The country's prison was destroyed by fire in 1999. Following the fire, the Government transferred prisoners to a temporary facility, which houses a fluctuating population of approximately 300 inmates.

Prison conditions at the existing facility, including food and housing, generally are adequate. Prisoners are allowed to work and are given the opportunity for regular exercise and recreation. Spouses are allowed privacy during visits with incarcerated partners. The Government is surveying prison facilities in other countries to incorporate international standards and improvements in the reconstruction of the prison, and it has requested training for prison guards. Women are held separately from men. Children are held separately from adults. Persons arrested for drug use are sent to a "drug rehabilitation center" (on a space available basis) where sleeping quarters and most activities are segregated; although common areas are shared by all.

The Government has permitted prison visits by foreign diplomats. The issue of visits by human rights groups was not known to have arisen during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution states that no person shall be arrested or detained for more than 24 hours without being informed of the grounds for arrest or detention.

Police initiate investigations based on suspicion of criminal activity or in response to written complaints from citizens, police officers, or government officials. They are not required to obtain warrants for arrests. Based on the results of police investigations, the Attorney General refers cases to the appropriate court. The authorities generally keep the details of a case confidential until they are confident that the charges are likely to be upheld. In the past, persons have been held for long periods without charge, but there were no reports of such occurrences during the year.

Depending upon the charges, a suspect may remain free, be detained in prison, or placed under house arrest for 15 days during investigations. The President may extend pretrial detention for an additional 30 days, but in most cases the suspect is released if not brought to trial within 15 days. Those who are released pending trial may not leave a specific atoll. Within 24 hours of an arrest, an individual must be told of the grounds for the arrest. An individual can then be held for 7 days. If no legal proceedings have been initiated within 7 days, the case is referred to an anonymous 3-member civilian commission appointed by the President that can authorize an additional 15 days of detention. After that time, if legal proceedings still have not been initiated, a judge must sanction the continued detention on a monthly basis. Although there is no right to legal counsel during police interrogation, detainees are granted access to family members. There is no provision for bail.

The Government may prohibit access to a telephone and nonfamily visits to those under house arrest. While there have been no reported cases of incommunicado detention in the past few years, the law does not provide safeguards against this abuse.

Member of Parliament (MP) Abdullah Shakir was arrested in July and released the following month. There is some dispute as to why he was arrested; the Government states he was arrested on a purely civil matter, which has since been resolved, but international human rights groups claim that he was arrested for his support of a petition to form political parties in the country (see Section 2.b.).

There were no reports of the external exile of citizens during the year. In the past, the Government sometimes has banished convicted criminals to inhabited atolls away from their home communities, but there were no reports of this occurring during the year.

e. Denial of Fair Public Trial.—The Constitution does not provide for an independent judiciary, and the judiciary is subject to executive influence. In addition to his authority to review High Court decisions, the President influences the judiciary through his power to appoint and dismiss judges, all of whom serve at his pleasure and are not subject to confirmation by the Majlis. The President also may grant pardons and amnesties.

There are three courts: One for civil matters; one for criminal cases; and one for family and juvenile cases. On the recommendation of the Ministry of Justice, the President appoints a principal judge for each court. There is also a High Court in Male, which is independent of the Justice Ministry and which handles a wide range of cases, including politically sensitive ones. The High Court also acts as court of appeals. High Court rulings can be reviewed by a five-member advisory council appointed by the President. The President also has authority to affirm judgments of the High Court, to order a second hearing, or to overturn the Court's decision. In addition to the Male court, there are 204 general courts on the islands.

There are no jury trials. Most trials are public and conducted by judges and magistrates trained in Islamic, civil, and criminal law. Magistrates usually adjudicate cases on outer islands, but when more complex legal questions are involved, the Justice Ministry will send more experienced judges to handle the case.

The Constitution provides that an accused person be presumed innocent until proven guilty, and that an accused person has the right to defend himself "in accordance with Shari'a." During a trial, the accused also may call witnesses, and be assisted by a lawyer. Courts do not provide lawyers to indigent defendants. Judges question the concerned parties and attempt to establish the facts of a case.

Civil law is subordinate to Shari'a, which is applied in situations not covered by civil law as well as in certain acts such as divorce and adultery. Courts adjudicating matrimonial and criminal cases generally do not allow legal counsel in court because, according to a local interpretation of Shari'a, all answers and submissions should come directly from the parties involved. However, the High Court allows legal counsel in all cases, including those in which the rights to counsel was denied in lower court. Under the country's Islamic practice, the testimony of two women is required to equal that of one man in matters involving Shari'a, such as adultery, finance, and inheritance. In other cases, the testimony of men and women are equal.

There were no confirmed reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits security officials from opening or reading letters, telegrams, and wireless messages or monitoring telephone conversations, "except as expressly provided by law." The NSS may open the mail of private citizens and monitor telephone conversations if authorized in the course of a criminal investigation.

Although the Constitution provides that residential premises and dwellings should be inviolable, there is no legal requirement for search or arrest warrants. The Attorney General or a commanding officer of the police must approve the search of private residences.

The government policy to encourage a concentration of the population on the larger islands continued, and the policy generally was successful in moving a significant number of citizens to the larger islands.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law prohibits public statements that are contrary to Islam, threaten the public order, or are libelous. The Penal Code prohibits inciting citizens against the Government. However, an amendment to the Penal Code decriminalized "true account(s)" by journalists of governmental actions.

Regulations that make publishers responsible for the content of the material they published remain in effect, but no legal actions against publishers were initiated during the year.

The Press Council is composed of lawyers, private and government media representatives, and other government officials. The Council reviews charges of journalistic misconduct (advising the Ministry of Information, Arts, and Culture on measures to be taken against reporters, when appropriate) and promotes professional standards within the media by recommending reforms and making suggestions for improvement. Private journalists have said that they are satisfied with the Council's objectivity and performance. The Government agreed that private journalists, rather than the Government, should take responsibility for preparation of a journalistic

code of ethics. Individual newspapers and journals established their own ethical guidelines in many cases.

Most major media outlets are owned either by the Government or its sympathizers. Nonetheless, these sympathetic outlets do on occasion strongly criticize the Government.

Almost 200 newspapers and periodicals are registered with the Government, only some of which publish on a regular basis. *Aafathis*, a morning daily, often is critical of government policy, as is the *Monday Times*, a weekly English language magazine. Two dailies, *Miadhu* and *Haveeru*, are progovernment.

The Government owns and operates the only television and radio stations. It does not interfere with foreign broadcasts or with the sale of satellite receivers. Reports drawn from foreign newscasts are aired on the Government television station. Cable News Network (CNN) is shown daily, uncensored, on local television.

There were no reports of government censorship of the electronic media; nor were there closures of any publications or reports of intimidation of journalists.

Television news and public affairs programming routinely discussed topics of concern and freely criticized government performance. Regular press conferences with government ministers instituted in 1995 continued. Journalists are more self-confident than in the past; self-censorship appears to have diminished, although it remains a problem. Since it is not clear when criticism violates the law prohibiting public statements that are contrary to Islam, threaten the public, or are libelous, journalists and publishers continue to watch what they say, particularly on political topics, to avoid censure by the Government.

There are no legal prohibitions on the import of foreign publications except for those containing pornography or material otherwise deemed objectionable to Islamic values. No seizures of foreign publications were reported during the year.

The Internet is available. There were no government attempts, other than blocking pornographic material, to interfere with its use.

There are no reported restrictions on academic freedom. Some teachers reportedly are vocal in their criticism of the Government.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly “peaceably and in a manner that does not contravene the law;” however, the Government imposes limits on this right in practice. The Home Ministry permits public political meetings during electoral campaigns, but limits them to small gatherings on private premises.

The Government registers clubs and other private associations if they do not contravene Islamic or civil law. The Government imposes some limits on freedom of association. While not forbidden by law, the President officially discourages political parties on the grounds that they are inappropriate to the homogeneous nature of society. The President reaffirmed this position when he decided against a petition to form a political party in June. One signatory to the petition was M.P. Abdullah Shakir.

Shakir later was arrested, but was released soon thereafter. Some observers believe that his arrest was connected to his support for the creation of political parties in the country, but the Government maintains that he was arrested in connection with a civil matter (see Section 1.e.). During the year, many Majlis members were active and outspoken critics of the Government and called for closer parliamentary examination of government policy.

Although not prohibited, there are no active local human rights groups in the country. The Government has been responsive to requests from foreign governments and international organizations to examine human rights issues. While the Government also does not prohibit labor unions, it recognizes neither the right to form them nor the right to strike. There were no reports of efforts to form unions or to strike during the year.

c. Freedom of Religion.—Freedom of religion is restricted significantly. The Constitution designates the Sunni branch of Islam as the official state religion, and the Government interprets this provision to impose a requirement that citizens be Muslims. The practice of any religion other than Islam is prohibited by law. Foreign residents are allowed to practice their religion if they do so privately and do not encourage citizens to participate. President Gayoom repeatedly has stated that no other religion should be allowed in the country, and the Home Affairs Ministry has announced special programs to safeguard and strengthen religious unity. The President, the members of the People’s Majlis, and cabinet members must be Muslims.

There are no places of worship for adherents of other religions. The Government prohibits the importation of icons and religious statues, but it generally permits the importation of individual religious literature, such as Bibles, for personal use. It also prohibits non-Muslim clergy and missionaries from proselytizing and conducting public worship services. Conversion of a Muslim to another faith is a violation of

Shari'a and may result in punishment. In the past, would-be converts have been detained and counseled regarding their conversion from Islam. Foreigners have been detained and expelled for proselytizing. Unlike in previous years, there were no reports of foreigners being detained for proselytizing.

Islamic instruction is a mandatory part of the school curriculum, and the Government funds the salaries of religious instructors. The Government has established a Supreme Council of Islamic Affairs to provide guidance on religious matters. The Government also has set standards for individuals who conduct Friday services at mosques to ensure adequate theological qualifications, and to ensure that services are not dominated by radicals.

Under the country's Islamic practice, certain legal provisions discriminate against women (see Sections 1.e., 3, and 5).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens are free to travel at home and abroad, to emigrate, and to return. Because of overcrowding, the Government discourages migration to the capital island of Male or its surrounding atoll. Foreign workers often are housed at their worksites. Their ability to travel freely is restricted, and they are not allowed to mingle with the local population on the islands.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum did not arise during the year. The Government cooperates with the office of the U.N. High Commissioner for Refugees. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens' ability to change their government is constrained, and the strong executive exerts significant influence over both the legislature and the judiciary. Under the Constitution, the Majlis chooses a single presidential nominee, who must be a Sunni Muslim male, from a list of self-announced candidates for the nomination. Would-be nominees for president are not permitted to campaign for the nomination. The nominee is then confirmed or rejected by secret ballot in a nationwide referendum. From a field of five candidates, President Gayoom was nominated by the Majlis and was confirmed by referendum for a fifth 5-year term in 1998. Observers from the South Asian Association for Regional Cooperation found the referendum to be free and fair.

The Office of the President is the most powerful political institution. The Constitution gives Shari'a preeminence over civil law and designates the President as the "supreme authority to propagate the tenets" of Islam. The President's authority to appoint one-sixth of the Majlis members, which is one-third of the total needed for nominating the president, provides the president with a power base and strong political leverage. The President also is Commander in Chief of the armed forces, the Minister of Defense and National Security, the Minister of Finance and Treasury, and the Governor of the Maldivian Monetary Authority.

The elected members of the Majlis, who must be Muslims, serve 5-year terms. All citizens over 21 years of age may vote. Of the body's 50 members, 42 are elected and the President appoints 8 members. Individuals or groups are free to approach members of the Majlis with grievances or opinions on proposed legislation, and any member may introduce legislation. There are no political parties, which are officially discouraged (see Section 1.b.).

Relations between the Government and the Majlis have been constructive. The Government may introduce legislation but may not enact a bill into law without the Majlis' approval. The Majlis may enact legislation into law without presidential assent if the President fails to act on the proposal within 30 days or if a bill is re-passed with a two-thirds majority. In the past few years, the Majlis increasingly has become independent, challenging government policies and rejecting government-proposed legislation.

For the past several years, the Majlis has held a question period during which members may question government ministers about public policy. Debate on the floor since the question period was instituted has become increasingly sharp and open. Elections to the People's Majlis were last held in 1999. According to observers from the South Asian Association for Regional Cooperation (SAARC), the elections were generally free and fair.

The percentage of women in government and politics does not correspond to their percentage of the population. Women are not eligible to become president but may hold other government posts. However, for reasons of tradition and culture, rel-

atively few women seek or are selected for public office. In order to increase participation by women in the political process, the Government continued a political awareness campaign in the atolls. In the November 1999 elections, six women ran for seats and two were elected. During the 1999 elections, observers from the SAARC noted that women participated equally in the electoral process. Following the elections, President Gayoom appointed an additional three women to the Majlis.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although not prohibited, there are no active local human rights groups. The Government has been very responsive to the interest of foreign governments in examining human rights issues. A number of international human rights organizations, such as UNICEF, are present in the country. The Government cooperates with these international organizations.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for the equality of all citizens before the law, but there is no specific provision to prohibit discrimination based on race, sex, religion, disability, or social status. Women traditionally have been disadvantaged, particularly in terms of the application of Shari'a, in matters such as divorce, education, inheritance, and testimony in legal proceedings.

Women.—Women's rights advocates agree that domestic violence and other forms of violence against women are not widespread. There are no firm data on the extent of violence against women because of the value attached to privacy. Police officials report that they receive few complaints of assaults against women. Rape and other violent crimes against women are extremely rare. Under Shari'a the penalty would be flogging, banishment, or imprisonment for up to 5 years.

Although women traditionally have played a subordinate role in society, they participate in public life in growing numbers and gradually are participating at higher levels. Women constitute 38 percent of government employees, and approximately 10 percent of uniformed NSS personnel. Well-educated women maintain that cultural norms, not the law, inhibit women's education and career choices. However, during the year, the Government continued law literacy programs and workshops on gender and political awareness in the outer atolls to make women aware of their legal rights. The Government also has built 15 women's centers in the atolls, which are facilities where family health workers can provide medical services. The centers also provide libraries and space for meetings and other activities with a focus on the development of women.

Under Islamic practice, husbands may divorce their wives more easily than vice versa, absent any mutual agreement to divorce. Shari'a also governs intestate inheritance, granting male heirs twice the share of female heirs. A woman's testimony is equal only to one-half of that of a man in matters involving adultery, finance, and inheritance (see Section 1.e.). Women who work for wages receive pay equal to that of men in the same positions.

In 2000 the Cabinet created a Gender Equality Council to serve as an advisory body to the Government to help strengthen the role of women in society and to help ensure equal participation by women in the country's development; however, there were no reports of specific council actions during the year.

Children.—The Government does not have a program of compulsory education, but it provides universal access to free primary education. The percentage of school-age children in school was as follows: (grades 1 to 5) 99 percent; (grades 6 to 7) 96 percent; and grades (8 to 10) 51 percent. Of the students enrolled, 49 percent are female and 51 percent are male. In many instances, education for girls is curtailed after the seventh grade, largely because parents do not allow girls to leave their home island for an island having a secondary school. Nevertheless, women enjoy a higher literacy rate (98 percent) than men (96 percent). The Government is committed to the protection of children's rights and welfare. The Government is working with UNICEF to implement the rights provided for in the U.N. Convention on the Rights of the Child. The Government has established a National Council for the Protection of the Rights of the Child. Government policy provides for equal access to educational and health programs for both male and female children.

Children's rights are incorporated into law, which specifically protects them from both physical and psychological abuse, including abuse at the hands of teachers or parents. The Ministry of Women's Affairs and Social Welfare has the authority to enforce this law, takes its responsibility seriously, and has received strong popular support for its efforts. Although unable to provide an exact number, the Ministry noted that there continued to be reports of child abuse during the year, including

sexual abuse. Penalties for the sexual abuse of children range from banishment to imprisonment for up to 3 years. It is not known if there were any prosecutions for child abuse or child sexual abuse during the year. The Government is reviewing the law to see if improvements and additional protections are necessary.

Persons with Disabilities.—There is no law that specifically addresses the rights of persons with physical or mental disabilities. In 1999 the Government initiated a survey that identified 30,000 persons with disabilities in the country (primarily hearing and visually impaired). The Government has established programs and provided services for persons with disabilities.

Persons with disabilities usually are cared for by their families. When family care is unavailable, persons with disabilities are kept in the Institute for Needy People, which also assists elderly persons. The Government provides free medication for all mentally ill persons in the islands, and mobile teams regularly visit mentally ill patients. In 1999 the Government enacted a new building code, which mandated that all new government buildings and jetties must be accessible to persons with disabilities. This law was being implemented at year's end.

Section 6. Worker Rights

a. The Right of Association.—While the Government does not expressly prohibit unions, it recognizes neither the right to form them nor the right to strike. There were no reports of efforts to form unions or of strikes during the year. However, small groups of similarly employed workers with mutual interests (for example fishermen) have formed associations, which include employers as well as employees. These associations may address a variety of issues, including workers' rights.

The work force consists of between 70,000 and 75,000 persons, including expatriate labor and seasonal and part-time workers. The approximately 27,000 foreigners who work in the country make up almost half of the workers in the formal sector; most are employed in hotels, the retail and wholesale trade, factories, or on construction projects. The Government employs approximately 22,000 persons, both permanent and temporary. It estimates that the manufacturing sector employs approximately 15 percent of the labor force and tourism another 10 percent.

Although workers can affiliate with international labor federations, this generally has not been the case. However, it is believed some seamen have joined such federations.

In 1995 the U.S. Government suspended the country's eligibility for tariff preferences under the U.S. Generalized System of Preferences because the Government failed to take steps to afford internationally recognized worker rights to workers.

b. The Right to Organize and Bargain Collectively.—The law neither prohibits nor protects workers' rights to organize and bargain collectively. Wages in the private sector are set by contract between employers and employees and are usually based on the rates for similar work in the public sector. There are no laws specifically prohibiting antiunion discrimination by employers against union members or organizers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law does not prohibit forced or compulsory labor; however, there were no reports that such practices occurred. The Government does not specifically prohibit forced and bonded labor by children; however, there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no compulsory education law, but almost 98 percent of school-age children to grade 7 are enrolled in school (see Section 5). The law bars children under 14 years of age from "places of waged work and from work that is not suitable for that child's age, health, or physical ability or that might obstruct the education or adversely affect the mentality or behavior of the child." The law also prohibits government employment of children under the age of 16. There are no reports of children being employed in the small industrial sector, although children work in family fishing, agricultural, and commercial activities. The hours of work of young workers are not limited specifically by statute. The Government does not prohibit specifically forced and bonded labor by children; however, there were no reports that such practices occurred. A Unit for Children's Rights in the Ministry of Women's Affairs and Social Welfare is responsible only for monitoring compliance with the child labor regulations, not enforcement.

e. Acceptable Conditions of Work.—The regulations for employee relations specify the terms that must be incorporated into employment contracts and address such issues as training, work hours, safety, remuneration, leave, fines, and termination. There is no national minimum wage for the private sector, although the Government has established wage floors for certain kinds of work such as government employment, which provides a decent standard of living for a worker and family. Given

the severe shortage of labor, employers must offer competitive pay and conditions to attract skilled workers.

There are no statutory provisions for hours of work, but the regulations require that a work contract specify the normal work and overtime hours on a weekly or monthly basis. In the public sector, a 7 hour day and a 5 day workweek have been established through administrative circulars from the President's office. Overtime pay in the public sector was instituted in 1990. There are no laws governing health and safety conditions. There are regulatory requirements that employers provide a safe working environment and ensure the observance of safety measures. It is unclear whether workers can remove themselves from unsafe working conditions without risking the loss of their jobs. The Ministry of Trade, Industries, and Labour has a Labour Dispute Settlement Unit to resolve wage and labor disputes and to visit worksites and enforce labor regulations.

With the help of the ILO, two draft labor laws were prepared in 1998: One to address issues such as the right of association, the right to organize, and acceptable work conditions related to health, environment, employer-employee relations, leave, and termination, and the other to deal with social security, pensions, and provident funds. These laws had not been enacted by year's end.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country. The Attorney General's Office believes that should a case arise, it could be addressed under Shari'a.

NEPAL

Nepal is a constitutional monarchy with a parliamentary form of government. In 1990 the late King Birendra, formerly an absolute monarch, legalized political parties, after which an interim government promulgated a new Constitution. On June 1, the late Crown Prince Dipendra apparently killed King Birendra and nine members of the royal family. King Birendra's brother, Prince Gyanendra, assumed the throne on June 4. King Gyanendra retains limited powers, and has dissociated himself from direct day-to-day government activities. The democratically elected Parliament consists of the House of Representatives (lower house) and the National Assembly (upper house). In 1999 the country's third national parliamentary elections were held, which international observers considered to be generally free and fair. After Maoist insurgents broke a 4-month ceasefire with a series of violent attacks, on November 26 King Gyanendra, acting on the advice of the Cabinet of Ministers, declared a nationwide state of emergency. The state of emergency may be maintained for up to 3 months without the approval of Parliament. Under the Constitution's emergency provisions, the King suspended several constitutional rights, including the right to assembly, the right to public information, and the rights to opinion and expression. The Constitution provides for an independent judiciary; however, the courts often are inefficient and susceptible to political pressure and corruption.

In 1996 the leaders of the Maoist United People's Front ("Maoists") launched a "People's War" that has led to continued violence in more than 50 of the country's 75 districts. The insurrection has been waged through torture, killings, bombings, extortion, and intimidation against civilians and public officials.

The National Police Force maintains internal security and is subject to effective civilian control. Local Chief District Officers (CDO's), who are civil servants in the Home Ministry, have wide discretion in maintaining law and order. An Act passed by Parliament in August provided for the establishment of the paramilitary Armed Police Force. Although police reaction to the "People's War" insurgency has led to incidents of unwarranted force, the number of such reports declined during the year. The Royal Nepal Army, which traditionally is loyal to the King, is beginning to assume a domestic-security role in responding to the Maoist insurgency. Following the declaration of a state of national emergency November 26, the Army was mobilized to fight the insurgency in a number of districts. The police committed a number of serious human rights abuses.

The country is extremely poor, with an annual per capita gross domestic product of approximately \$242; the population is 23.2 million. Over 80 percent of the country's population support themselves through subsistence agriculture. Principal crops include rice, wheat, maize, jute, and potatoes. Tourism and the export of carpets and garments are the major sources of foreign exchange. Foreign aid accounts for more than half of the development budget. The economy is mixed, with 39 public sector

firms. Seventeen former government firms have been privatized or liquidated since 1992, although the rate of privatization is slow.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The police at times used unwarranted lethal force and continued to abuse detainees, using torture as punishment or to extract confessions. The National Human Rights Commission (NHRC), established in 2000, investigates allegations of police brutality and recommends compensation for victims and penalties for police officers who commit abuses. While the Government has begun to pay compensation to some victims, the police officers involved seldom are punished. The disappearance of persons in custody is a problem. Prison conditions remain poor. The authorities use arbitrary arrest and detention. Public Security Regulations promulgated in June giving local authorities broader discretion in making arrests on the suspicion of terrorist activities were rescinded November 9. Following the November 26 state of emergency declaration, the King promulgated the Terrorist Ordinance of 2001 that defined a number of crimes, including taking up arms against the sovereignty and security of the country, as acts of terrorism. The Ordinance also allows the Government to declare individuals as terrorists for up to 90 days without charges; to hold persons under house arrest; and to set up special courts for terrorists. The King also promulgated a second order designating members of the Communist Party of Nepal (Maoists) and individuals involved with or assisting the Maoists as terrorists. Lengthy pretrial detention, judicial susceptibility to political pressure and corruption, and long delays in trial procedures remain problems. The Government at times imposes some restrictions on freedom of expression, and the media practices self-censorship. After the November 26 declaration of the state of emergency, several individuals working for Maoist-affiliated newspapers were arrested and the newspapers closed down. Freedom of assembly was one of the constitutional rights suspended after the declaration of emergency; however, the Government subsequently clarified that only rallies and demonstrations by Maoist-affiliated organizations are banned during the emergency. The Constitution imposes restrictions on proselytizing to spread religion. Women, the disabled, and lower castes suffer from widespread discrimination. Violence against women, trafficking in women and girls for prostitution, forced labor, and child labor also remain serious problems. There have been instances of forced child labor in the past, but there were no cases reported during the year.

In March the Government began distributing land to approximately 200,000 bonded laborers and family members freed in the 2000 Government decree from the feudal "Kamaiya" system of debts to their landlords.

During the year, the Maoists increased the scope of their campaign, frequently committing torture, killings, bombings, and other abuses.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The police continued to commit extrajudicial killings. Most reports of extrajudicial killings by police involved police efforts to control violent demonstrations, or occurred while suspects were in police custody. On February 3, police in Baguwa, Gorkha District shot and killed Nar Bahadur Ale Magaar and Rita Banjara as they were preparing a stage for a mass meeting to be held by the Maoists. According to one local human rights organization, police shot and killed suspected Maoist Madan Shrestha on May 4 in Yangshila, Mooring District, as he was being brought to jail. On May 13, police shot and killed suspected Maoists Kul Bahadur Malla, Chandra Jumari B.K., and Tika Kumari Khatri in Tatopani, Dailekh District, as they were being arrested. On June 5, police shot and killed suspected Maoist Prakash Ojha of Tetariya, Morang District.

Following the November state of emergency declaration, the Informal Sector Service Center (INSEC), a local human rights organization, reported the following killings of civilians by Royal Nepal Army (RNA) troops; however, the Ministry of Defense has not confirmed RNA involvement in any of these deaths. On November 30, five citizens attending a religious ceremony in Rolpa District reportedly were killed by gunshots fired from an RNA-manned helicopter. Seven others were injured. On December 4, Prakash Lamichhane of Mahankal, Sindhupalchowk District died after having been shot by the RNA near a hydro-electric project the previous day. On December 7, 16-year-old Jitendra Tharu of Deudhakala, Bardiya District, was shot and killed by the RNA while cutting grass in the jungle. Another local human rights organization reports that RNA troops shot and killed 11 villagers holding a meeting in Dang District on November 28. On November 28, in Salyan District, Maoist cadre commandeered an NGO vehicle, along with three local NGO staff and a driver. RNA

troops exchanged gunfire with the Maoists in the vehicle. In the exchange eight Maoists, the four NGO employees, and a local civilian working at a nearby water mill were killed. Also according to INSEC, on December 16, police beat to death Dil Bahadur Ram of Dododhara, Kailali District.

There were several incidents in which police fired into crowds during the year. On May 27, police fired into a crowd in Lamjung protesting government corruption, killing Shuk Man Gurung, the Khudi Village Development Chairman. The Human Rights Committee in Parliament is investigating the incident.

Police also were responsible for deaths in custody. In January police opened fire on rioting inmates at Banke Prison in Nepalgunj in the southwest, killing two persons. The Chief District Officer, the senior representative of the Home Ministry in the district, was reassigned after it was reported that he had ordered police to fire on the unarmed inmates. On August 28, the NHRC recommended that the Government pay the families of each victim compensation in the amount of a little more than \$1,300 (Rs. 100,000), which the Government paid soon thereafter. On August 15, Bishnu Rai died of injuries sustained in police custody in Balaju, Kathmandu. He had been arrested the previous day. A police sub-inspector reportedly has been suspended while the case is under investigation. Jit Bahadur Ghatri died under suspicious circumstances November 30 after having been arrested 4 days earlier (see Section 1.c.). On December 6, Chandradip Yadav, Uttimlal Yadav, and Devkumar Yadav were shot and killed by police when they tried to flee a police van after their arrests. INSEC reported that police shot and killed a 30-year-old man in Gorchari, Siraha District, after arresting him December 8. According to the report, police tied him to a tree and beat him before shooting him.

On September 9, police in Parsa District in the south-central part of the country shot and killed one civilian while attempting to quell a riot between long-time residents of the lowland area and alleged Maoist migrants from the hills. The incident was under investigation by the Home Ministry at year's end.

On October 1, police in Tulsipur, Dang District, shot into a crowd of violent rioters, killing a 25-year-old man and injuring nine others. The rioters were vandalizing and setting fire to buses in protest after a bus hit and killed two students. Local authorities imposed a curfew on October 1 and 2.

In what may have been a staged encounter, on January 23, local police shot and killed five robbery suspects in a jungle in Bara District in the south. Police maintained that the suspects were killed in a confrontation, but this account was disputed by both local residents and human rights activists. By year's end, no action had been taken against the police involved.

On August 28, the NHRC recommended that the Government pay compensation totaling more than \$1,300 (Rs. 100,000) to the family of Khushi Lal Yadav, who was killed by security forces attempting to quell a violent riot in Saptari District on December 31, 2000. The Government has paid the fine. The Appellate Court in Lalitpur is investigating the cases of five other victims killed by police attempting to control violent riots at the end of December 2000 in Kathmandu. According to the Home Ministry, the Government has paid the families of the deceased slightly more than \$650 each (Rs. 50,000) and fined the officers involved.

No action has been taken in the cases of Ravi Upreti, who died in June 2000, of injuries reportedly sustained from beatings while in police custody in Jhapa in the eastern part of the country, or of Sudish Rimal, who died in July 2000. Family members alleged that Rimal was tortured but declined to allow an autopsy, making confirmation of these charges impossible.

Police, armed personnel, insurgents and non-combatants continue to be killed in the increasingly violent "People's War." Launched in 1996 by leaders Pushpa Kamal Dahal (a.k.a. "Prachanda") and Baburam Bhattarai, the "People's War" is a self-declared Maoist insurgency. The Government continued to commit human rights abuses in its efforts to combat the insurgency. Security forces estimate that they have killed at least 1,350 Maoists since 1996. Approximately 350 Maoists were killed by police during the year. Maoist insurgents often are drawn from members of the local population. Some of the deaths are believed to have been extrajudicial killings. In August the NHRC recommended disciplinary action against police officials responsible for ordering police to fire into a meeting of the Maoist-affiliated All Nepal Women's Association in Bharatpur in late 2000, killing one woman and injuring several others. The Commission also has recommended that the Government pay compensation of more than \$1,300 (Rs. 100,000) to the family of the woman who was killed and lesser amounts to four of the injured. To date, no action has been taken against police who opened fire on a Maoist "cultural program" at a school in Accham District in 2000, killing nine persons, several of whom were bystanders. Since the event occurred before the establishment of the Human Rights Commission and the Home Ministry maintains that police acted in self-defense after being fired

upon first, no action is likely. A Home Ministry official who investigated the killing of at least 18 Maoists during a "search operation" in Rukum in February 2000 stated that the Ministry has been unable to determine which police officers may have been guilty of using excessive force and consequently has taken no action. By year's end, no further action had been taken in the case of 20 to 30 police officers charged with abuses against the public in connection with police sweeps in 1998, and it appeared that no action would be taken.

On September 9, B.K. Budhathoki, the exiled ethnic-Nepali leader of the Bhutan People's Party, was stabbed to death in Damak in the east. Police arrested three suspects the same day. On September 19, police also detained a prominent Bhutanese refugee leader in connection with the murder, although that suspect had just returned from an international human rights conference overseas a few days before the killing.

Maoists were responsible for numerous abuses. Maoist rebels clashed with police repeatedly during the year. Police fatalities totaled 206 by mid-September, more than double the number recorded in 2000. On January 23, three policemen were killed by a landmine at Daregauda, Gorkha. On April 1, Maoists attacked a police post in Rukumkot in Rukum District, in the northwest, killing 35 policemen and taking 16 persons prisoner. A similar attack occurred on April 5 in Dailekh, in which 31 policemen were killed. Another 30 policemen reportedly surrendered to their attackers, who then summarily executed 8 of the captives. On May 8, four policemen were killed in a Maoist ambush set near a police post in Chisopani, Syangja District. On June 29, Maoists shot and killed five policemen in Tanahu District. On July 6, the birthday of the country's new King Gyanendra and the country's new National Day, Maoists launched attacks on police posts in 3 separate locations, killing 21 policemen in Lamjung, 10 in Gulmi, and 10 in Nuwakot. On July 23, Maoists attacked 3 police posts in Bajura District, killing 15 officers. On November 21, Maoist leader Prachanda unilaterally called an end to the 4-month ceasefire with the Government. On the night of November 23, Maoist insurgents launched a series of surprise attacks on police, army, and other government facilities in a number of districts. In Dang District, Maoists overran an army barracks, killing the company commander and 11 other soldiers. Maoists attacks at two separate police posts killed nine policemen in Dang District as well. On the same day in Syangja District, Maoists attacked a police post, killing 14 policemen. The night of November 25, Maoists attacked army, police and government offices in Saliari, in Solukhumbu District, killing 27 policemen, 4 soldiers, and 2 civilian government officials, including the CDO. On November 26, Maoists ambushed an army convoy in Pyuthan District, killing two soldiers. On November 27, Maoists attacked a police post in a remote area of Darchula District, killing four policemen.

Although their activities are focused on the police, the Maoists continued to kill and injure civilians. For example, on January 1, Maoists shot and killed Nepali Congress supporter Ram Bharose Shah in Sarlahi District in the southeast. On January 19, Customs Inspector Sridhar Bhattarai was killed in a gunfight with Maoists in Jambu, Sindhupalchok. On February 3, Maoists ambushed the vehicle in which the Chief Justice of the Supreme Court was riding in Surkhet District, in the midwest. Although the Chief Justice survived the attack, six others (including the judge's bodyguard, a local court official, and four policemen) were killed. On February 9, Maoist rebels beat Aspal Tamang to death in Sindhupalchok. On February 12, in Acham District two children were killed and eight others injured after playing with a bomb that was widely assumed to have been left by Maoists. On February 19, Maoists killed two relatives of a former government minister and injured six others in Kailali District. On February 27, Maoists shot and killed Tikaraj Aran, a Nepali Congress Convention member. Three policemen on their way to the scene the following day were injured by a landmine.

On June 26, Maoists abducted and killed Shyam Sunder Yadav, Chairman of the Khajurgachi Village Development Committee in Jhapa. On July 17, two dozen Maoist militants hacked Nepali Congress party member Krishna Bahadur Kunwar to death in Pithuwa, Chitwan. On September 9, Bajinath Das Tharu was killed in a confrontation between purported Maoists and local villagers in Parsa District. On September 23, the press reported that Maoists shot and killed Communist Party of Nepal-Marxist/Leninist (CPN-UML) member Nimlal Rokka in Holeri, Rolpa.

On November 25, Maoists beat Netra Bahadur Shrestha, President of the Mandu Village Development Committee in Gorkha District, to death with a chisel. On December 3, suspected Maoist sympathizers left a bomb in a carpet showroom in Kathmandu. The bomb exploded, killing three persons. On December 5, Maoists killed 16-year-old Tara Lawa in Thumbika, Taplejung District. On December 6, Maoist insurgents killed two unarmed policemen at Dhumbas Police Post in Kaski District by shooting them in the mouths. On December 8, Maoists stabbed and shot

to death shopkeeper Sitaram Rai in Nuwakot District. On December 9, Maoists stabbed Nepali Congress activist Megh Bahadur Baniya to death in Chinnebas, Syangja District. On December 15, two assailants claiming to be Maoists shot and killed Ramesh Manandhar, a plainclothes U.S. Embassy guard, on duty near the U.S. Agency for International Development in Kathmandu. On December 15, a group of 15–20 Maoists in Dailekh District beat to death Janak Thapa. On December 17, Maoists killed a primary school headmaster and a former President of the Village Development Committee in Gorkha District. On December 28, Maoists shot and killed a 23-year-old man in Tara Khola, Baglung District.

The Government and the Maoists declared a ceasefire on July 23 and held three rounds of talks in August, September and November. Following the third round of talks in November, on November 21, Maoist leader Prachandra issued a unilateral statement ending the ceasefire. On November 23, the Maoists broke the ceasefire with attacks on police, army, and Armed Police Force personnel in several districts. According to government figures, the insurgency has resulted in the deaths of an estimated 2,298 persons, including 508 policemen; 34 members of the army; 2 members of other security forces; 340 civilians; and 1,414 insurgents. These figures indicate that 274 police; 31 army; 84 civilians; and 423 insurgents were killed during the year.

On September 27, several villagers beat to death 60-year-old Malechhiya Devi in Bela Ekdara, Mahottari District, on suspicion of witchcraft. One person has been jailed in connection with the case, two others have absconded. (see Section 5).

b. Disappearance.—The disappearance of persons in police custody is a problem. According to the INSEC, 130 civilians have disappeared in police custody since 1996. According to Amnesty International (AI), Shiva Prasad Sharma disappeared after three men, believed to be plainclothes policemen, took him into custody in Nepalgunj, Banke District, on February 24. A habeas corpus petition filed by his relatives was dismissed by the appellate court judge in March on the grounds that police denied arresting him.

On September 18, the Government released the names of 188 Maoists imprisoned under several security and criminal acts, along with 96 others arrested on charges such as extortion and hooliganism, but not identified as Maoists. The Government said it had no information on the whereabouts of 67 other individuals alleged by Maoists to be in police detention.

In December 2000, Indra Prasad Dhungel and Yuddhasingh Kunbar were ordered released from prison in Rajbiraj, Saptari District. They were rearrested immediately while still on court premises, but subsequently were released (see Section 1.d.).

Opposition politician Ishwari Dahal, who was reported by Amnesty International to have been detained by police in September 2000, was released on August 21. In January 1999, police arrested freelance journalist Milan Nepali. Nepali, who was associated with the left-leaning publication “Janadesh”, later disappeared from police custody; as of year’s end, Nepali’s whereabouts were unknown (see Section 2.a.). Police continue to maintain that they have no knowledge of the whereabouts of lawyer and human rights defender Rajendra Dhakal, reported missing by AI after his January 8, 1999, arrest in Tanahun District because of his alleged involvement in Maoist violence.

On October 16, the Government released Matrika Yadav, the only Central Committee member in government custody. Authorities released Maoist leader Dinesh Sharma in November 2000 who disappeared again shortly thereafter.

On July 13, Maoists surrounded a police post in Rolpa in the west, taking dozens of policemen hostage. The Army subsequently confronted the insurgents, and a standoff ensued. Representatives of human rights groups who arrived in Rolpa within days to mediate state that the Maoists released 22 of the police hostages at that time, and may have released more thereafter. Since no hostages were handed over directly to the Government, the Government cannot confirm those releases. At the end of September the Maoists released 5 policemen previously captured in Banke, and on October 2 released 17 of those captured in Rolpa to the International Committee of the Red Cross (ICRC). On October 6, Maoists released an additional eight policemen to the ICRC. According to the Home Ministry, as of October 3, the Maoists continued to hold 42 policemen abducted from Rolpa; 4 from Banke; 2 from Rukum; and 1 from Baitadi District.

According to INSEC, Maoists are responsible for the disappearance of 101 individuals since 1996. On September 21, the Government released a list of 117 civilians it claims that the Maoists have abducted since 1996. On July 9, Maoists kidnaped former Nepali Congress MP and present Bajura District Development Chairman Dev Raj Joshi. He was released September 28. On September 16, Maoists abducted two members of the Chaughada Village Development Committee in Nuwakot. One escaped the following day and the other was released within 48 hours, (but claimed

he had been beaten during his detention) (see Section 1.d.). According to government statistics and press reports, the Maoists abducted at least 23 civilians after the announcement of the ceasefire July 23.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and the Civil Code prohibits acts such as beating and mutilation; however, the police at times use torture and beatings to punish suspects or to extract confessions. According to AI, torture methods include boxing of the ears, beating of the feet, and the rolling of weights over the thighs. AI noted that torture apparently was used to intimidate or punish detainees and to extract information and/or confessions, and that torture often occurred while detainees were held incommunicado and unable to contact family members, doctors, or lawyers (see Section 1.d.). The situation appears to be improving somewhat since the establishment of the NHRC, but it is unclear to what extent the improvements are the direct result of the establishment of that body. Nonetheless, the Government sometimes fails to conduct thorough and independent investigations of reports of police brutality and generally does not take significant disciplinary action against officers involved.

Police often are unwilling to investigate and to discipline fellow officers, and persons are afraid to bring cases against police for fear of reprisals. The Government has begun human rights education for the police force. On February 26 the Dolokha District Court sentenced a police officer to a 4 year prison term and ordered him to turn over half of his assets to an 18-year-old woman he raped at gunpoint the previous year.

The Constitution and the Torture Compensation Act provide for compensation for victims of torture. According to the Center for Victims of Torture (CVICT), 7 persons filed for compensation under the act during the year, compared to 10 claims during 2000. CVICT says that a total of five cases previously filed were awarded compensation. Among those, a 14-year-old arrested on suspicion of theft, was awarded approximately \$135 (Rs. 10,000) by Saptari District Court on March 21.

According to the CVICT, on February 8, police seeking information about the murder of a local official entered the home of a woman in Jajarkot District and beat her. CVICT also reports the March 23 beating during police custody of a member of a left-wing political party in Kanchanpur District. On May 5, police reportedly beat two persons in Chitwan District, who had been arrested after a personal dispute. On May 6, both filed a torture complaint at their Village Development Committee Office, and one filed a civil case against a police sub-inspector and constable for compensation. The district court ruled against the plaintiff in the civil case, and no further action has been taken against the police. On May 30, four persons filed a torture compensation case, claiming they were beaten during their detention on criminal charges in Jhapa District. On June 18, five members of a family who had come to the Chief District Office in Nepalgunj to obtain citizenship certificates were detained for 2 days as suspected Maoists. At least two of the five claimed they were beaten while in police custody.

Amnesty International conducted an official visit to the country in November 2000. As a result of that visit, AI recommended amendments to the Torture Compensation Act, including changes to the penal code that would make torture a specific offense under criminal law. The Government has taken no action on suggested changes to the law. Human rights groups have reported instances of torture in areas affected by the "People's War." Dozens of male detainees reported having been tortured by the police; women in these areas have reported instances of rape and sexual abuse by the police.

Local and international human rights groups also have documented Maoist violence in areas affected by the "People's War," including the severing of limbs. The Maoists most often have targeted political leaders, local elites, and suspected informers. These targets included not only members of the majority Nepali Congress Party (NCP), but also members of the opposition Communist Party of Nepal-United Marxist/Leninist (CPN-UML). Throughout the year, Maoists looted banks and bombed or set fire to government offices and homes of local political leaders. International nongovernmental organization (NGO) offices also were attacked on several occasions, as were businesses and factories. On December 9, Maoists destroyed a clearly marked Red Cross ambulance, carrying an elderly female patient in an ambush in Kalika, Bardiya District. There also were cases of intimidation, torture, or other degrading treatment. On January 3, Maoists broke the arms and legs of local Nepali Congress Chairman Dambar Bahadur Rana in Tanahu District. On January 24, Maoists broke the legs of Chuha Village Development Committee Vice Chairman Bal Bahadur Bista in Kailali District. On February 12, Maoists attacked Thaneshwor Poudel, a teacher at a secondary school in Gulmi District, slashing his arms and legs with a khukuri knife. On March 29, Maoists attacked Nepali Con-

gress activist Balbhadra Khanal in Tanahu District, breaking his left leg and hand. On April 5, Maoists beat up Bhim Hidhi Hamal of Jumla District, smashing one of his kneecaps. On July 9, a 19-year-old student was kidnapped, beaten, and held by Maoists for 3 days in Rukum District. On July 14, Maoists beat and tortured an elderly man in Kailali District.

Between the July 23 ceasefire and mid-September, the Government reported 87 Maoist violations of the cease-fire, including 22 different cases of Maoists beating and injuring civilians across the country. According to the press, on September 9, a Maoist cadre in the local “people’s government” in Nuwakot district raped a 12-year-old girl. Government and opposition members of parliament demanded that the Maoist leadership take action against the suspect. According to press reports, a Maoist “people’s court” convicted the suspect and decided he should be beaten. This sentence reportedly was carried out at the end of September.

Prison conditions are poor. According to INSEC, on November 26, Jit Bahadur Ghatri was arrested by the RNA in Dang District. He subsequently died in the hospital on November 30. The cause of his death is unknown.

Overcrowding is common in prisons, and authorities sometimes handcuff or fetter detainees. According to the Department of Prisons, there are 5,995 persons in jail, of which approximately 50 percent are awaiting trial. Women normally are incarcerated separately from men, but in similar conditions. Due to a lack of adequate juvenile detention facilities, children sometimes are incarcerated with adults—either with an incarcerated parent—or as criminal offenders. On November 20, the Government began transferring children detained in jail to two residential facilities that provide education in accord with a provision in the 1992 Children’s Act. By the end of November, 28 dependent children of inmates and 7 juvenile offenders had moved into the residential facilities and begun school. At year’s end 12 children remained in jail or custody as suspected or convicted criminals, and approximately 36 non-criminal dependent children were housed along with their parents (see Section 5).

In 2000 the Government established separate juvenile benches in district courts where youth are tried. As a result, trials of persons under the age of 18 now occur in a separate room in the courthouse, though there are no separate juvenile courts as such.

The authorities are more likely to transfer sick prisoners to hospitals than they were in the past. However, due to the inadequacy of appropriate facilities, the authorities sometimes place mentally ill prisoners in jails under inhumane conditions.

The law prohibits trafficking in persons and prescribes imprisonment of up to 20 years for infractions; however, trafficking in women and girls remains a serious problem in several of the country’s poorest areas, and borderguards commonly accept bribes from traffickers (see Section 6.f.).

The Government permits local human rights groups and the ICRC to visit prisons. Prior to November 23, the ICRC had full access to all prisons and police stations nationwide. However, from November 23 until year’s end, the Government has not allowed ICRC to visit detainees.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution stipulates that the authorities must arraign or release a suspect within 24 hours of arrest, but the police at times violate this provision. Under the law, the police must obtain warrants for an arrest unless a person is caught in the act of committing a crime. For many offenses, the case must be filed in court within 7 days of arrest. If the court upholds the detention, the law authorizes the police to hold the suspect for 25 days to complete their investigation, with a possible extension of 7 days. However, the police occasionally hold prisoners longer. The Supreme Court has, in some cases, ordered the release of detainees held longer than 24 hours without a court appearance.

Detainees have the legal right to receive visits by family members, and they are permitted access to lawyers once authorities file charges. In practice the police grant access to prisoners on a basis that varies from prison to prison. There is a system of bail, but bonds are too expensive for most citizens. Due to court backlogs, a slow appeals process, and poor access to legal representation, pretrial detention often exceeds the period to which persons subsequently are sentenced after a trial and conviction.

Under the Public Security Act, the authorities may detain persons who allegedly threaten domestic security and tranquility, amicable relations with other countries, and relations between citizens of different classes or religions. Persons whom the Government detains under the Act are considered to be in preventive detention and can be held for up to 6 months without being charged with a crime. The authorities may extend periods of detention after submitting written notices to the Home Ministry. The police must notify the district court of the detention within 24 hours, and it may order an additional 6 months of detention before authorities file official charges. Human rights groups allege that the police have used arbitrary arrest and

detention during the “People’s War” to intimidate communities considered sympathetic to the Maoists (see Section 1.b.).

Other laws, including the Public Offenses Act, permit arbitrary detention. This act and its many amendments cover crimes such as disturbing the peace, vandalism, rioting, and fighting. Human rights monitors express concern that the act vests too much discretionary power in the CDO, the highest-ranking civil servant in each of the country’s 75 districts. The act authorizes the CDO to order detentions, to issue search warrants, and to specify fines and other punishments for misdemeanors without judicial review. Few recent instances of the use of the Public Offenses Act have been reported, since it has become more common, particularly with the Maoists, to arrest persons under the Public Security Act. In 2000 local authorities in Biratnagar arrested Laxmi Mudbari, the central member of the Maoist-affiliated All Nepal Women’s Association (Revolutionary), under the act; Mudbari remained incarcerated at year’s end. Human rights commission officials reported several other cases of arrests or detentions under the act, but were unable to provide details of the cases.

Public Security Regulations, which implemented powers already conferred by the Public Security Act, came into effect June 4. The Regulations expand the discretionary authority given local officials to make arrests based on the suspicion of subversion or intent to commit subversive acts. The Home Ministry reports that 33 persons had been arrested under the Regulations and subsequently released by mid-October. The Government rescinded the regulations on November 9. On November 26, the King promulgated the Terrorism Ordinance of 2001 that allows suspected terrorists to be detained for up to 90 days without charge. According to a December 23 statement by the Secretaries of Defense and Home, 2,971 suspected Maoists have been arrested since the November 26 emergency declaration. Of that number, authorities plan to file cases against 481. To date none of the cases have been tried.

There have been several reports of police re-arresting persons on court premises immediately following their release by the courts. According to human rights activists, the arresting policeman usually is in plain clothes, and police habitually deny any knowledge of the re-arrest or of the subject’s whereabouts. On March 5, political activist Khadga Bahadur Devkota was ordered released by a Sindhuli district court but immediately was re-arrested within yards of the prison. Human rights activists state that police continued to claim ignorance of Devkota’s whereabouts until his release April 23. The NHRC has cited a former head of the Information Department of the Home Ministry and a police official for their failure to cooperate in the investigation. On June 17, Asha Khanal, a Central Committee member of the Maoists’ All Nepal Women’s Association (Revolutionary), was ordered released by the appellate court in Pokhara. Upon her release the following day, she immediately was re-arrested by plainclothes police while still on court premises. She later was released August 29. In December 2000, Indra Prasad Dhungel and Yuddhasingh Kunbar were ordered released from prison in Rajbiraj, Saptari district. They immediately were re-arrested the same day while still on court premises and subsequently released.

Authorities detained journalists and their advocates on occasion, on suspicion of having ties to or sympathy for the Maoists (see Section 2.a.).

The police have arrested or illegally detained some suspected Maoist insurgents and held them incommunicado. On September 17, the Government announced that it was dropping cases against 41 Maoists, including one of several against Baburam Bhattarai, the number two person in the Maoist hierarchy. On September 18, the Government made public the names of 188 Maoists imprisoned nationwide, along with 96 others arrested on charges such as extortion and hooliganism, but not identified as Maoists. On October 16, the Government released two Maoist prisoners, one of them Matrika Yadav, the only Central Committee member in government custody.

On September 28, Maoist leader Prachanda pledged to release all captives in his group’s custody. The same day the Maoists released former Member of Parliament Dev Raj Joshi (see Section 1.b.). From late September to mid-October the insurgents released 48 police prisoners; 25 of those to the ICRC (see Section 1.c.). Other purported releases of captives held by Maoists have not been verified. According to government estimates, Maoist insurgents are holding 166 civilian and police prisoners at various locations.

The Constitution prohibits exile and it is not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary and the Supreme Court has demonstrated independence; however, lower level courts remain vulnerable to political pressure, and bribery of judges and court staff is endemic. The Supreme Court has the right to review the constitutionality of legislation passed by Parliament. In the past it has ruled that provisions in the Labor

Act and in the Nepal Citizenship Act are unconstitutional. In 1995 the Court also decided that the dissolution of the Parliament at the request of a former Prime Minister was unconstitutional, and ordered the body restored. On September 20, the Court found Prime Minister Deuba's August 16 decision to freeze land sales unconstitutional.

Appellate and district courts have become increasingly independent, although sometimes they remain susceptible to political pressure. In Rolpa, one of the districts most affected by the "People's War," human rights groups have accused the district courts of acting in complicity with CDO's in violating detainees' rights. Human rights groups allege that arrest without a warrant, prolonged detention without trial, and police torture occur in Maoist-affected areas.

The judicial system consists of three levels: District courts, Appellate courts, and the Supreme Court. The King appoints judges on the recommendation of the Judicial Council, a constitutional body chaired by the Chief Justice. The Council also is responsible for the assignment of judges, disciplinary action, and other administrative matters. Judges decide cases; there is no jury system. In December 2000, the Government established a Special Court with jurisdiction to hear cases related to narcotics trafficking; trafficking in women and girls; crimes against the state; and crimes related to foreign currency, such as counterfeiting and money laundering.

Delays in the administration of justice are a severe problem. According to the latest statistics, the Supreme Court has a backlog of 16,488 cases; the appellate courts 15,138; and district courts 32,537. Under the state of emergency, the right to constitutional remedy (except habeas corpus) is suspended and the Supreme Court has temporarily suspended accepting new cases.

The Constitution provides for the right to counsel, equal protection under the law, protection from double jeopardy, protection from retroactive application of the law, and public trials, except in some security and customs cases. All lower court decisions, including acquittals, are subject to appeal. The Supreme Court is the court of last appeal, but the King may grant pardons. The King also can suspend, commute, or remit any sentence. On the recommendation of the Government, the King often pardons up to 12 prisoners on national holidays, if they have served 75 percent of their sentence and shown good behavior.

Although prisoners have a constitutional right to legal representation and a court appointed lawyer, a government lawyer or access to private attorneys is provided only on request. Consequently, those persons unaware of their rights may be deprived of legal representation.

There have been reports of cases in previous years in which authorities allegedly penalized attorneys involved in the defense of human rights. In 1999 lawyer and human rights defender Rajendra Dhakal was arrested reportedly because of his alleged involvement in Maoist violence. He has not been seen since then (see Section 1.b.). Kathmandu newspapers reported that in 1999, four lawyers pleading for a group of three detained journalists were ordered detained themselves by a district judge as they tried to express their views on the judicial order to detain the journalists. After other attorneys came to protest the arrests, the attorneys were released (see Section 2.a.).

Military courts adjudicate cases concerning military personnel, who are immune from prosecution in civilian courts. Military courts do not try civilians for crimes involving the military services.

The authorities may prosecute terrorism or treason cases under the Treason Act. Specially constituted tribunals hear these trials in closed sessions. No such trials have occurred during the past 6 years.

In districts where Maoists have gained effective control, the insurgents have set up "people's courts." Although these courts generally decide civil cases, eight policemen summarily executed after surrendering in Dailekh had reportedly been found guilty of crimes against the people by a hastily constituted "people's court" (see Section 1.a.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Government generally respected the privacy of the home and family. Search warrants are required before searches and seizures may be carried out, except in cases involving suspected security and narcotics violations. The law empowers the police to issue warrants for searches and seizures in criminal cases upon receipt of information about criminal activities. Within 24 hours of their issuance, warrants in misdemeanor cases must be approved by the CDO. Court judges must approve them in felony cases. Following renewed violence after Maoist insurgents unilaterally broke a 4-month ceasefire, on November 26, the King declared a state of emergency nationwide, in which many constitutional rights, including the right to privacy, were

suspended. Since that time travelers have been stopped and subjected to vehicle and body searches by security personnel at roadblocks in many areas of the country.

Government provisions permit discrimination in employment on the basis of political opinion; however, such discrimination is not known to occur.

Section 2. Respect For Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution specifies that all citizens shall have freedom of thought and expression and that the Government may not censor any news item or other reading material; however, the Government imposes some restrictions on these rights. The Constitution prohibits speech and writing that would threaten the sovereignty and integrity of the Kingdom; disturb the harmonious relations among persons of different castes or communities; promote sedition, defamation, contempt of court, or crime; or contradict decent public behavior or morality.

On November 26, King Gyanendra declared a state of national emergency. According to the Constitution, several civil rights, including freedom of expression, may be curtailed for the duration of the state of emergency. The Government has announced that restrictions under the emergency only are intended to target the Maoists and not the general population. Several journalists and editors of Maoist-affiliated newspapers were detained and their newspaper offices closed after the emergency was announced. Government authorities also requested the press in general not to run stories favorably portraying the Maoists. Editors and publishers of some non-Maoist publications have been briefly detained as well. On December 17, police detained for questioning the publisher of the centrist *Deshantar Weekly* and the pro-opposition *Sanghu Weekly*. Both were released the following day. Police in Butwal also detained the editor of *Mechi Kali Daily* on December 17 and released him the following day.

The Press and Publications Act provides for the licensing of publications and the granting of credentials to journalists. The act also includes penalties for violating these requirements. In addition the act prohibits publication of material that, among other things, promotes disrespect toward the King or the royal family; that undermines security, peace, order, the dignity of the King, or the integrity or sovereignty of the Kingdom; that creates animosity among persons of different castes and religions; or that adversely affects the good conduct or morality of the public. The act also provides a basis for banning foreign publications; however, foreign publications are widely available.

There are hundreds of independent vernacular and English-language newspapers available, representing various political points of view. The Government owns “*Gorkhapatra*,” the second-largest circulating Nepali-language daily, and “*The Rising Nepal*,” the second-largest English-language daily. Editors and writers at government newspapers practice self-censorship and generally reflect government policy. Editors and writers at some private newspapers practice self-censorship as well. For several days following the June 1 killings of King Birendra and other members of the royal family allegedly by King Birendra’s son Dipendra, both state-owned and private media, including newspapers, television, and radio, carried little or no coverage of the event. Ruling political parties have influenced the editorial policy of the government newspapers to their advantage. Views of human rights groups, the statements of the police, and the press releases of Maoist leaders were reported in the press prior to the imposition of the state of emergency.

Some journalists and their advocates have suffered human rights abuses. Shambhu Prasad Patel, vice president of the Rautahat Branch of the Nepal Press Union (NPU), was shot and killed by two unidentified gunmen in January 2000, at his residence. One suspect was arrested on June 20; a case against him has been filed in Rautahat District court. On March 7, the Supreme Court issued a writ of habeas corpus releasing Krishna Sen, the editor of *Janadesh*, from jail. He was arrested in 1999 in connection with the publication of an interview with a Maoist leader. Sen immediately was rearrested and moved to another jail in Mahottari District. Sen told the press that police forced him to sign an acknowledgement of his release even though he still was in police custody. Following protests from journalists across the country, Sen was released March 14. On June 6, police arrested Yubaraj Ghimire, Binod Gyawali, and Kailash Sirohiya, editor-in-chief, director, and managing director respectively of the *Kantipur* newspaper, and charged them with sedition for publishing a letter from Maoist leader Baburam Bhattarai that implied King Gyanendra was complicit in the June 1 killings of his brother, King Birendra, and other members of the royal family. On June 15, Gyawali and Sirohiya were released without bail; Ghimire was required to post \$27 (Rs. 2000) bond. On August 17, the Government announced a decision to drop charges against the three. On June 27, approximately 25 plainclothes policemen raided Paru Printing Press in

Kathmandu and seized 6,000 copies of the Maoist monthly *Dishabodh* magazine; the edition contained allegations about the June 1 killings of King Birendra and his family. Freelance journalist Milan Nepali remains missing (see Section 1.b.). In September Kantipur Publications, publisher of two of the most widely circulated privately owned newspapers, reported Maoists had attempted to extort several thousand dollars.

Amnesty International has expressed concern over the cases of Krishna Gurung (see Section 1.d.), Jalandhar Pakhrin, and Krishna Bahadur Tamang. On September 7, Krishna Gurung was arrested at the Kathmandu home of her brother, Gopal Gurung, (the author of a book advocating the abolition of the Monarchy). Police reportedly seized copies of Gopal Gurung's books from the Gurung residence and interrogated Ms. Gurung about her brother's whereabouts. AI reports that Jalandhar Pakhrin was arrested in Kathmandu on September 7 for selling copies of Gurung's book, and that Krishna Bahadur Tamang was arrested on similar charges. Gurung, Pakhrin, and Tamang were released on September 22. Since the declaration of a state of emergency November 26, authorities have detained 33 journalists, 15 of whom remained in custody at year's end.

The Broadcast Act allows private television and FM radio broadcasts, but implementation of the Act has been slow. The Government owns the only television station, and controls one radio station that broadcasts both AM and FM signals. Radio, primarily short and medium waves, reaches the greatest number of persons and has the largest influence. Government-owned Radio Nepal broadcasts throughout the country through a series of repeater stations. With privatization of a number of radio bands, there has been a marked increase in the range of programming options available. On January 12, the Government issued a circular to the private radio stations in the country reiterating a previous but little-enforced ban on the collection and broadcast by independent radio stations of news other than that provided by Radio Nepal. On July 26, the Supreme Court annulled the Government's order. As a result, privately owned FM stations can broadcast their own independently collected news but also must broadcast Radio Nepal news at least once daily. The Government does not restrict access to foreign radio broadcasts, private cable networks, or to the purchase of television satellite dishes. Indian and Pakistani broadcast television also is readily available in many parts of the country.

Two private cable television networks operate in the Kathmandu Valley. They mainly provide entertainment programming, but commentary critical of government policies occasionally occurs during publicly broadcast discussion programs. Throughout the country, local entrepreneurs also are receiving international stations via satellite for viewing in local bars, and are reselling the signal to local residents. Television time on the government-owned television station also is leased to private producers. In addition to the state-owned television station, two private television stations are licensed to produce and broadcast programs. One of those stations broadcasts through leased time slots on Television Nepal; the other through a Thai company's satellite.

During the year the Government expanded to 25 the number of private FM broadcasting licenses; 16 are operating. Private stations must broadcast the Government station's news program but also are permitted to rebroadcast news from abroad. Private radio stations, like print media, practice self-censorship.

The Government has licensed 15 companies for Internet and e-mail services. There have been many debates about liberalizing the media and privatizing government-owned media. This debate has put pressure, which successive governments so far have resisted, to open the airwaves and divest government-controlled printing operations. However, private FM radio and cable and satellite television have overtaken the Government's ability to regulate them.

No government efforts to curtail academic freedom were reported during the year. Since the beginning of the April 15 term, threats and intimidation from Maoist-affiliated All Nepal National Independent Student Union (Revolutionary) (ANNISU-R) succeeded in closing down more than 200 private schools, primarily in areas most heavily affected by Maoist activities. Two private schools in Kathmandu remain closed, one permanently. The ANNISU-R demands, often violently, the halving of tuition, curriculum changes, and the banning of the singing of the national anthem. The ANNISU-R and other Maoist groups extort money from private schools and teachers and sometimes inflict physical punishment on school officials who are deemed inefficient or who have defied their demands. On September 12 and 13 the Maoist students' organization enforced a 2-day strike that effectively closed down nearly all public and private schools in Kathmandu. Some students and teachers at schools attempting to defy the ban reported threats and intimidation from the Maoists, and two buses from one private school were set on fire.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, although it may be restricted by law on vague grounds, such as undermining the sovereignty and integrity of the State or disturbing law and order. Freedom of assembly was one of the civil rights suspended under the November 26 state of emergency. The Government requires that organizers apply for permits for public rallies and demonstrations. Large public demonstrations are common, and police intervention is rare except in cases where crowds become violent or violate the terms of their parade permit. Local authorities in Boudhanath, Kathmandu, halted the performance of a traditional dance scheduled to be performed on February 26, during the 6-day celebration of the Tibetan New Year. Following the June 1 killings of King Birendra and other members of the royal family, the Government imposed a dusk-to-dawn curfew from June 2 to June 6. Local authorities prohibited public celebrations or religious or commemorative ceremonies in public places during the official 45-day mourning period following the June 1 killings. However, a Tibetan ceremony marking the Dalai Lama's birthday was held on the private grounds of the original Tibetan refugee camp in Jawalakhel on July 6, and on September 2, after the conclusion of the official mourning period, authorities permitted the Tibetan community to hold a public ceremony at the Boudhanath Stupa in Kathmandu.

On June 13, police arrested several members of the United People's Front at a public rally in Kathmandu held to protest the Government's handling of investigation of the royal massacre. They were subsequently released. On September 15, the Kathmandu Chief District Officer imposed a 1-month ban on all public meetings in anticipation of a massive Maoist rally to be held on September 21. The Government rescinded the ban on September 18, after the Maoists agreed to cancel the march.

In December 2000, police stopped a procession of Tibetan school children, monks, and others on their way to Swyambounath Temple in Kathmandu to celebrate the Dalai Lama's fiftieth anniversary of his assumption of state responsibility. No injuries were reported.

c. Freedom of Religion.—The Constitution provides for freedom of religion and permits the practice of all religions; however, proselytizing is prohibited and punishable with fines or imprisonment, and members of minority religions occasionally complain of police harassment. Some Christian groups are concerned that the ban on proselytizing limits the expression of non-Hindu religious belief. The Constitution describes the country as a "Hindu Kingdom," although it does not establish Hinduism as the state religion.

A conviction for conversion or proselytizing can result in fines or imprisonment or, in the case of foreigners, expulsion from the country. Arrests or detentions for proselytizing are rare, and there have been few incidents of punishment or investigation in connection with conversion or proselytization during the last few years. However, the Government on occasion investigates reports of proselytizing. Non-governmental groups or individuals are free to file charges of proselytizing against individuals or organizations. Such a case was filed with the Supreme Court against the Adventist Development and Relief Agency (ADRA) and the United Missions to Nepal, an umbrella Protestant NGO, in December 1999. The case still was pending at year's end. In October 2000, four Christians, including one Norwegian national, were arrested on charges of attempting to convert others in Rajbiraj, Saptari District in the east. The district court found all four guilty and sentenced each to 3 months in prison. All four were released from jail on February 15. On April 5, a case filed against the United Mission to Nepal by a member of the Pashupati Sena Nepal, a Hindu fundamentalist group, was dismissed by the Supreme Court the following day.

For decades dozens of Christian missionary hospitals, welfare organizations, and schools have operated in the country. These organizations have not proselytized and have operated freely. Missionary schools are among the most respected institutions of secondary education in the country; many of the country's governing, business, and military elites graduated from Jesuit high schools. Many foreign Christian organizations have direct ties to the country's churches and sponsor Nepali pastors for religious training abroad.

Although such discrimination is prohibited by the Constitution, Hindu religious tradition has long prohibited members of the lowest caste from entering certain temples. In an August 16 speech, Prime Minister Deuba stressed that caste-based discrimination is illegal. Since then, temple access for members of the lowest castes has improved in many locations. Draft legislation aimed at improving conditions for members of the lowest castes still is pending at the Ministry of Law and Justice for review.

The Press and Publications Act prohibits the publication of materials that create animosity among persons of different castes or religions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement and residence, and the Government generally does not restrict travel abroad. However, for security reasons, the Government restricts travel by foreigners, including Tibetan residents, to some areas near the Chinese border. The Government also has imposed restrictions on women's travel to the Gulf states to work as domestic servants, in response to cases of abuse of such women in the past. These restrictions do not apply to women who are traveling to the Gulf states for other reasons, nor do they apply to travel to other areas. Women's rights groups have protested the ban; however, on September 5, the Supreme Court dismissed a case challenging the restriction as discriminatory. The Government allows citizens abroad to return, and is not known to revoke citizenship for political reasons.

The Government has no official refugee policy. However, it does provide asylum for refugees and has cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees from Bhutan and Tibet. The UNHCR maintains an office in Kathmandu. Since 1959 the Government has accepted as residents approximately 20,000 Tibetan refugees, many of whom still reside in the country. Since 1991 it also has provided asylum to Bhutanese refugees, who number 101,000. The great majority of Bhutanese refugees live in UNHCR administered camps in the eastern part of the country. Since the flight of the Karmapa Lama from Tibet in January 2000, the Government has disallowed UNHCR access to the Nepal-China border to monitor the treatment of Tibetan refugees. In September the Government authorized UNHCR to travel to the headquarters of a border district, but not the border itself, to consult with local officials.

The People's Republic of China and the Government tightened control of movement across their border in 1986, but neither side has consistently enforced those restrictions. Police and customs officials occasionally harass Tibetan asylum seekers who cross the border from China. According to the UNHCR, police conduct in this regard has improved since 1999, although border police sometimes extort money from Tibetans in exchange for passage. There were confirmed reports of the forced repatriation of seven Tibetan asylum seekers during the year.

On March 15, 18 Tibetans arrested for entering the country from India without proper travel documents were released after serving 4 months in prison. The individuals were turned over to UNHCR, which labeled them "persons of concern" and returned them to India. In August 10 Tibetans previously resident in India were arrested in Kathmandu for failure to possess required travel documents, and were convicted of immigration violations.

There are approximately 101,000 ethnic Nepali refugees from Bhutan in UNHCR-administered camps in the eastern region of the country. An additional 15,000 refugees reside outside the camps in either the country or India. The total represents approximately one-sixth of Bhutan's estimated pre-1991 population.

The UNHCR monitors the condition of the Bhutanese refugees and provides for their basic needs. U.N. officials, diplomats and NGO representative visitors to the camps universally describe conditions as excellent. The Government accepts the refugee presence as temporary on humanitarian grounds. The camps are administered by UNHCR; the World Food Program (WFP) provides sustenance and the Government makes a contribution to the WFP earmarked for the refugees. The excellent condition of the camps result from a combination of efficient UNHCR administration, conscientious government oversight and the refugees taking responsibility for their surroundings. The Government officially restricts refugee freedom of movement and work, but does not strictly enforce its policies. Local authorities have attempted to restrict some of the limited economic activity in the camps permitted by the central Government. Violence sometimes has broken out between camp residents and the surrounding local population. The UNHCR and other donors and relief organizations have defused tensions through an assistance plan for refugee-affected areas aimed at improving conditions in communities adjacent to the camps.

In 1993 the Government and the Government of Bhutan formed a joint committee and began bilateral talks to resolve the refugee problem. During the tenth round of bilateral talks in December 2000, they agreed on preparations for verification at the camps. Verification interviews at the first refugee camp commenced on March 26 and concluded on December 14. At year's end, a planned ministerial-level meeting to decide further action had not yet been convened. The talks' earlier lack of progress frustrated refugees, and some held "peace marches" to protest their plight.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government peacefully. Citizens, through their elected representatives, also have the right to amend the Constitution with the

exception of certain basic principles that they may not change—sovereignty vested in the people, the multiparty system, fundamental rights, and the constitutional monarchy.

The country is a constitutional monarchy with a parliamentary form of government. Parliamentary elections are scheduled at least every 5 years. Midterm elections may be called if the ruling party loses its majority, loses a vote of no confidence, or calls for elections. Under the Constitution all citizens aged 18 and over may vote. The House of Representatives, or lower house, may send legislation directly to the King by majority vote. The National Assembly, or upper house, may amend or reject lower house legislation, but the lower house can overrule its objections. The upper house also may introduce legislation and send it to the lower house for consideration. Following the June 1 death of King Birendra, the King's brother, Prince Gyanendra, assumed the throne on June 4.

The King exercises certain powers with the advice and consent of the Council of Ministers and the Prime Minister. The King has exclusive authority to enact, amend, and repeal laws relating to succession to the throne. The King's income and property are tax-exempt and inviolable, and no question may be raised in any court about any act performed by the King. The Constitution permits the King, acting on advice of the Council of Ministers, to exercise emergency powers in the event of war, external aggression, armed revolt, or extreme economic depression. In such an emergency, the King, as advised by the civilian government, may suspend without judicial review many basic freedoms, including the freedoms of expression and assembly, freedom from censorship, and freedom from preventive detention. However, he may not suspend habeas corpus or the right to form associations. The King's declaration of a state of emergency must be approved after 3 months by a two-thirds majority of the lower house of the Parliament. If the lower house is not in session, the upper house exercises this power. A state of emergency may be maintained for up to 3 months without legislative approval and for up to 6 months, renewable only once for an additional 6 months, if the legislature grants approval.

The Constitution bars the registration and participation in elections of any political party that is based on "religion, community, caste, tribe, or region," or that does not operate openly and democratically. During the most recent national elections in 1999, there were sporadic incidents of violence that mainly occurred between supporters of rival political parties. Maoist efforts to disrupt the elections by intimidating voters and candidates had little effect. The elections generally were held throughout the country according to schedule. International observers considered the elections to be generally free and fair.

The percentage of women and minorities in government or politics does not correspond to percentages of the population. There are no specific laws that restrict women, indigenous people, or minorities from participating in the Government or in political parties. Tradition limits the roles of women and some castes in the political process. However, the Constitution requires that women constitute at least 5 percent of each party's candidates for the House of Representatives. A 1999 royal ordinance, which Parliament has ratified, also requires that at least 20 percent of all village and municipal level seats be reserved for female candidates. The 1999 elections resulted in an increase from 7 to 12 in the number of women in the 205-seat lower house and from 5 to 9 in the 60-seat upper house.

No specific laws prevent minorities from voting or restrict them from participating in the Government and political parties on the same basis as other citizens. Hindus and members of certain castes traditionally have held more power than others, but members of other religious and social groups have in the past few years gained increasing influence in government, including senior leadership positions. There are no special provisions to allocate a set number or percentage of political party positions or parliamentary seats for any minority group. On August 10, Ramprit Paswan, an opposition Member of Parliament and a "dalit" (member of the lowest caste), was elected Vice Chairman of the National Assembly.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are approximately 10 domestic human rights NGO's. These include the Human Rights Organization of Nepal (HURON), the Informal Sector Services Center (INSEC), the International Institute for Human Rights, Environment, and Development (INHURED), and the Forum for the Protection of Human Rights (FOPHUR). The Nepal Law Society also monitors human rights abuses and a number of NGO's focus on specific areas such as torture, child labor, women's rights, or ethnic minorities. The Government rarely arrests or detains persons reporting on human rights problems, although several human rights activists suspected of Maoist affiliation have been detained since the November declaration of the state of emer-

gency. Bishnu Prasad Khanal, coordinator of the Amnesty International Lawyers Group in Surkhet district, has been held by police since November 27. Tim Kumari Kumal, a member of the Human Rights Education and Development Center in Syangja district, has been detained since November 29. Prem Bahadur Saud, Program Coordinator of the Human Rights and Public Awareness Center in Dadeldhura district has been detained since December 3. Three members of human rights organizations in Chitwan District have been detained since December 16. There were reports that the Government and the Maoists limited the activities of human rights activists. On November 28 police briefly detained Radma Ratna Tuladhar, chairman of the Forum for Protection of Human Rights, at Tribhuvan International Airport as he was leaving on a flight for India. He was released within a few hours and allowed to leave the country. Hari Narayan Shrestha of Human Rights and Peace Society's Ramechhap district office was abducted by Maoists on August 18 and released 3 days later. Maoists also prevented journalists and human rights activists who traveled to Rolpa in September to inspect the area freely on their own.

In July 2000, police officers released Bishnu Pukar Shrestha, a secondary school teacher, lawyer, and member of a human rights organization; Shrestha never was charged with any crime (see Sections 1.b. and 1.c.).

The insurgency has caused a number of NGO's in the midwestern districts to reduce their activities substantially. Maoists also have targeted aircraft attempting to make humanitarian deliveries of foodstuffs to midwestern districts.

In May 2000, the Government formed the National Human Rights Commission (NHRC), a government-appointed commission with a mandate to investigate human rights violations. The Commission includes members from all major political parties and operates independently; however, resource constraints and insufficient manpower restrict the number of cases the commission can bring to court. Once the NHRC completes an investigation and makes a recommendation, the Government has 3 months to respond. Since its establishment, the Commission has received 528 complaints of human rights violations, and has investigated 51. Some cases involve disappearance of detainees, illegal detention, and arrest of acquitted persons, but many other cases are relatively trivial.

The Government does not refuse visas to international NGO human rights monitors, or otherwise restrict their access when they are in the country. However, some areas along the country's border with China are restricted. An organization monitoring Tibetan refugee flows has been denied access to these border areas.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution specifies that the Government shall not discriminate against citizens on grounds of religion, race, sex, caste, or ideology; however, there still is a de facto caste system. Discrimination against lower castes, women, and the disabled remains common, especially in rural areas.

Women.—Violence against women is a serious problem that receives limited public attention. In a 1996 survey, 50 percent of respondents stated that they knew someone who was the victim of domestic violence. Respondents to another 1996 survey listed the perpetrators of violence in 77 percent of incidents as family members, and 58 percent reported that it is a daily occurrence. There is no law against domestic violence.

Rape and incest also are problems, particularly in rural areas. Laws against rape provide for prison sentences of 6 to 10 years for the rape of a woman under 14 years of age and 3 to 5 years for the rape of a woman over the age of 14. The law prescribes imprisonment for 1 year or a fine for the rape of a prostitute. The law does not forbid spousal rape. A survey conducted during the year by SAATHI, a local NGO headed by the Prime Minister's wife, found that 39 percent of rape victims who reported the crime to police were under the age of 19. Of those victims who reported the crime to the authorities, 25 percent said the perpetrator was convicted and jailed.

The dowry tradition is strong, with greater prevalence in the Terai region. The killing of brides because of defaults on dowry payments is rare, but does occur. More common is the physical abuse of wives by the husband and the husband's family to obtain additional dowry or to force the woman to leave to enable the son to remarry.

There is a general unwillingness among citizens, and particularly among government authorities, to recognize violence against women as a problem. In a survey conducted by SAATHI, 42 percent of the respondents said that in their experience medical practitioners were uncooperative or negligent in cases of violence against women and girls. This unwillingness to recognize violence against women and girls

as unacceptable in daily life is seen not just in the medical profession, but among the police and politicians as well.

Folk beliefs about witchcraft, which are especially strong in the lowland Terai area on the Indian border, generally target women, particularly elderly and/or widowed women. Shamans or other local authority figures sometimes publicly beat and physically abuse suspected witches as part of an exorcism ceremony. On September 11, two men, including a local village official, were jailed in Simardahi, Mahottari District, after failing to post bond for charges relating to the August 14 beating of an elderly woman after publicly denouncing her as a witch. The two men had been charged under the Public Offense Act. On September 20, police arrested five men in Sirsiya Khalbatol, Parsa, for beating and forcefeeding feces to a 60-year-old widow suspected of witchcraft. On September 24, the Supreme Court issued a show cause notice to the Government for its failure to enact a law specifically to punish perpetrators of violence in witchcraft cases. On September 26, four villagers beat 60-year-old Malechhiya Devi to death in Bel Ekdara, Mahottari, on suspicion of witchcraft. On September 29, the victim's widower filed charges against the five suspects, who fled after the incident (see Section 1.a.).

The police department has a "women's cell" in five cities, including Kathmandu, and in 16 districts. These cells include female officers who receive special training in handling victims of domestic violence. The police also have sent out directives instructing all officers to treat domestic violence as a criminal offense that should be prosecuted. However, according to a police official, this type of directive is difficult to enforce because of entrenched discriminatory attitudes. Even though the police may make an arrest, further prosecution often is not pursued by the victim or by the Government.

At least six NGO's in Kathmandu work on the problem of violence against women and on women's issues in general. SAATHI's assistance program includes a women's shelter and a suicide intervention center. The shelter provides housing, medical attention, counseling, and legal advocacy for the victims of violence.

Trafficking in women remains a serious problem in several of the country's poorest areas, and large numbers of women still are forced to work against their will as prostitutes in other countries (see Sections 6.c. and 6.f.).

Although the Constitution provides protections for women, including equal pay for equal work, the Government often has not taken significant action to implement those provisions, even in many state industries. Women face systematic discrimination, particularly in rural areas, where religious and cultural tradition, lack of education, and ignorance of the law remain severe impediments to their exercise of basic rights such as the right to vote or to hold property in their own names. Women have benefited from some changes in marriage and inheritance laws. The Citizenship Law discriminates against foreign spouses of female citizens, and denies citizenship to the children of female citizens married to foreign spouses, even if those children are born in the country. Many other discriminatory laws still remain. According to legal experts, there are over 20 laws that discriminate against women. For example, the law grants women the right to divorce, but on narrower grounds than those applicable to men. The law on property rights also favors men in its provisions for inheritance, land tenancy, and the division of family property. In 1995 the Supreme Court ordered the Council of Ministers to enact legislation within 1 year giving women property rights in regard to inheritance and land tenancy that were equal to those of men. Legislation to comply with this order was introduced, but was not approved in Parliament.

According to the 1991 census, the most recent statistics available, the female literacy rate is 26 percent, compared with 57 percent for men. Human rights groups report that girls attend secondary schools at a rate half that of boys. There are many NGO's focused on integrating women into society and the economy. These NGO's work in the areas of literacy, small business, skills transfer, and prevention of trafficking in women and girls. There also are a growing number of women's advocacy groups.

Most political parties have women's groups. Members of Parliament have begun working for the passage of tougher laws for crimes of sexual assault, but have had little success so far.

Children.—Education is not compulsory. Government policy is to provide free primary education for all children between the ages of 6 and 12 years, but the quality of education is sorely inadequate, many families cannot afford school supplies and clothing, and schools do not exist in all areas. Schools charge fees for higher education. Approximately 60 percent of the children who work also attend school. However, approximately 70 to 75 percent of boys who work go to school, compared to only 50 to 60 percent of the girls who work. Basic health care is provided free to children and adults at government clinics, but they are poorly equipped and too few

in number to meet the demand. Community-based health programs assist in the prevention of childhood diseases and provide primary health care services. Poor or nonexistent sanitation in rural areas puts many children at risk from severe and fatal illnesses. The Government has made significant progress in improving basic community health care services over the past 5 years, bringing down the mortality rate of children under age 5 by 23 percent since 1996. A Vitamin A supplementation program operates nationwide, and immunization outreach has increased from 45 percent in 1996 to 60 percent this year. The lack of adequate antenatal care and widespread malnutrition remain problems.

Forced prostitution and trafficking in young girls remain serious problems (see Sections 6.c. and 6.f.).

Societal attitudes view a female child as a commodity, to be bartered off in marriage, or as a burden. Some persons, in fact, consider marrying a girl before menarche an honorable, sacred act that increases one's chances of a better afterlife. As a result, child brides are common. According to UNICEF's Regional Office for South Asia, 40 percent of all marriages involve a girl under 14 years of age. The age difference in marriage often is cited as one cause of domestic violence.

The Government incarcerates children with adults because it has not established adequate juvenile detention facilities. On November 20, the Government began transferring children detained in jail to two residential facilities that provide education in accord with a provision in the 1992 Children's Act. By the end of November, 28 dependent children of inmates and 7 juvenile offenders had moved into the residential facilities and begun school. At year's end, 12 children remained in jail or custody as suspected or convicted criminals, and approximately 36 noncriminal dependent children were housed along with their parents (see Section 1.c.).

There have been numerous reports that Maoists recruit teenagers to serve among their armed cadre.

Persons with Disabilities.—Persons with disabilities face widespread societal discrimination. Families often are stigmatized by and ashamed of family members with disabilities, who may be hidden away or neglected. Economic integration is further hampered by the general view that persons with disabilities are unproductive. The mentally retarded are associated with the mentally ill. Sometimes mentally ill and retarded persons are placed in prisons due to the lack of facilities or support.

The Government long has been involved in providing for persons with disabilities, but limited resources have kept the level of government assistance insufficient to meet their needs. The Disabled Persons Protection and Welfare Act and additional 1994 rules mandate accessibility to buildings, transportation, employment, education, and other state services. The Government has begun developing a policy on equal access for persons with disabilities to public buildings and transportation. However, despite government funding for special education programs, the Government does not implement effectively or enforce laws regarding persons with disabilities. A number of NGO's working with persons with disabilities receive significant funding from the Government, but persons who with physical or mental disabilities rely almost exclusively on family members to assist them.

Religious Minorities.—The adherents of the country's many religions generally co-exist peacefully and respect all places of worship. Most Hindus respect the many Buddhist shrines located throughout the country; Buddhists accord Hindu shrines the same respect. Buddha's birthplace is an important pilgrimage site, and Buddha's birthday is a national holiday. The country's small Muslim community is concentrated primarily along the southern border with India, with cultural and religious customs markedly different from its Buddhist and Hindu neighbors. They tend to send their children to religious schools more frequently than Buddhists and Hindus but are not forcibly segregated from other religious groups.

Some Christian groups report that Hindu fundamentalism has increased in the past few years. In 1999 the India-based Hindu political party Shiv Sena, locally known as Pashupati Sena, opened an office in Kathmandu; a few Shiv Sena candidates unsuccessfully ran for office in the 1999 general elections.

Government policy does not support religious extremism, although some political figures have made public statements critical of Christian missionary activities. Some citizens are wary of proselytizing and conversion by Christians and, therefore, view the presence of Christianity with alarm. In July 2000, some members of a predominantly Buddhist community in Gumda, Gorkha district vandalized the homes of six Christian converts. According to press reports, the six families were re-integrated into the community after agreeing not to kill animals or perform other activities contrary to the tenets of Buddhism during religious festivals. Two representatives of different Christian organizations also have alleged persecution of Christians and destruction of at least two churches by Maoist sympathizers. Those who choose to convert to other religions—in particular Hindu citizens who convert

to Islam or Christianity—sometimes are ostracized socially. Some reportedly have been forced to leave their villages. While this prejudice is not systematic, it can be vehement and occasionally violent. Hindus who convert to another religion may face isolated incidents of hostility or discrimination from Hindu extremist groups. Nevertheless, converts generally do not fear to admit in public their new religious affiliations.

The caste system strongly influences society, even though it is prohibited by the Constitution. Caste discrimination is widely practiced at Hindu temples where, for example, members of the lowest castes are not permitted to enter. Otherwise, the Government makes an effort to protect the rights of the disadvantaged castes.

On August 16, the Prime Minister made a speech emphasizing that caste-based discrimination, including barring access to temples, is illegal. Since then, members of the lower castes have successfully and publicly entered many temples, including Pashupatinath, the national site most sacred to Hindus.

National/Racial/Ethnic Minorities.—The country has over 75 ethnic groups that speak 50 different languages. The Constitution provides that each community “shall have the right to preserve and promote its language, script, and culture.” The Constitution further specifies that each community has the right to operate schools up to the primary level in its mother tongue.

In remote areas, school lessons and national radio broadcasts often are conducted in the local language. However, in areas with nearby municipalities, education at the primary, secondary, and university levels is conducted almost exclusively in Nepali, which is constitutionally mandated as the official language of the State. Human rights groups report that the languages of the small Kusunda, Dura, and Meche communities are nearly extinct.

Discrimination against lower castes is especially common in the rural areas in the western part of the country, even though the Government has outlawed the public shunning of “untouchables,” and makes an effort to protect the rights of the disadvantaged castes. Economic, social and educational advancement tend to be a function of historical patterns, geographic location, and caste. Better education and higher levels of prosperity, especially in the Kathmandu Valley, slowly are reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better educated, urban-oriented castes (Brahmin, Chhetri, and certain elements of the Newar community traditionally dominant in the Kathmandu Valley) continue to dominate politics and senior administrative and military positions, and to control a disproportionate share of natural resources in their territories.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the freedom to establish and to join unions and associations. It permits the restriction of unions only in cases of subversion, sedition, or similar conditions. Trade unions have developed administrative structures to organize workers, to bargain collectively, and to conduct worker education programs. The three largest trade unions are affiliated with political parties.

Union participation in the formal sector accounts for approximately 10 to 12 percent of the formal work force. The Labor Act and the Trade Union Act, formulated enabling regulations; however, the Government has not yet fully implemented these acts. The Trade Union Act defines procedures for establishing trade unions, associations, and federations. It also protects unions and officials from lawsuits arising from actions taken in the discharge of union duties, including collective bargaining, and prohibits employers from discriminating against trade union members or organizers. There have been few reports of discrimination against union members.

The law permits strikes, except by employees in essential services such as water supply, electricity, and telecommunications. The law empowers the Government to halt a strike or to suspend a union’s activities if the union disturbs the peace or if it adversely affects the nation’s economic interests. Under the Labor Act, 60 percent of a union’s membership must vote in favor of a strike in a secret ballot for the strike to be legal. On March 15 the Government averted a strike threatened by hotel employees by determining that hotel employees fall under the Essential Services Act that proscribes strikes. Contract employees at a foreign-owned factory in Hetauda district struck from August 26 to 28 after management refused to hire them as permanent employees. Strike organizers suspended the strike after 3 days. Throughout the year there were frequent reports of Maoist-affiliated agitators disrupting work at garment and carpet factories in the Kathmandu Valley. Some factory owners reported receiving demands from the Maoists that included tripling wages for unskilled laborers; hiring all seasonal or contract employees as permanent labor; and firing any foreign workers. On August 13, Maoist labor organizers

stopped work at four Kathmandu Valley garment factories for several hours, shut off the electricity, and forced employees outside to listen to speeches.

The Government does not restrict unions from joining international labor bodies. Several trade federations and union organizations maintain a variety of international affiliations.

b. The Right to Organize and Bargain Collectively.—The Labor Act provides for collective bargaining, although the organizational structures to implement the act's provisions have not been established. Collective bargaining agreements cover an estimated 20 percent of wage earners in the organized sector, and hotel workers have bargained aggressively for additional compensation. However, in general, labor remains widely unable to use collective bargaining effectively due to inexperience and employer reluctance to bargain.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits slavery, serfdom, forced labor, or trafficking in persons in any form; however, forced labor and trafficking in persons remain problems (see Section 6.f.). The Department of Labor enforces laws against forced labor in the small formal sector, but remains unable to enforce the law outside that sector. On September 13, Parliament ratified International Labor Organization (ILO) Convention 29 on Forced or Compulsory Labor.

Historically, a system of bonded agricultural laborers, known as the Kamaiyas, existed in areas of the western Terai region. In July 2000, the Government made illegal bonded labor and released the "Kamaiya" bonded agricultural workers from their debts. Resettlement of the Kamaiyas began on January 18, and distribution of land began in March. To date, approximately 1,000 heads of household have been provided with up to .335 acres of land and 75 cubic feet of timber to build houses. The Government has set up temporary camps for Kamaiyas still awaiting settlement and has begun arrangements for distribution of food under a food-for-work program. Large numbers of women still are forced to work against their will as prostitutes (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution stipulates that children shall not be employed in factories, mines, or similar hazardous work and limits children between the ages of 14 and 16 years to a 36-hour workweek. The law establishes a minimum age for employment of minors at 16 years in industry and 14 years in agriculture and mandates acceptable working conditions for children.

On September 13, Parliament ratified ILO Convention 182 on the elimination of the worst forms of child labor. In July 2000 the Government passed the Child Labor Act, the country's first comprehensive child labor law. The law, drafted with the assistance of the ILO, is the first national legislation to establish specific penalties for those who unlawfully employ children. It repeats the existing prohibition of the employment of children under the age of 14 years and renews the constitutional provision that children between the ages of 14 and 16 years may work, but no more than 6 hours a day and 6 days a week. The law prohibits child labor in tourism, cigarette or carpet factories, mines, or laboratories. Employers must maintain records of all 14- to 16-year-old laborers. However, because the necessary implementing regulations to accompany the law have not yet been passed, implementation is difficult. On September 6, the Supreme Court, acting on a petition filed by an NGO, ordered several government ministries to explain the lack of progress on implementing regulations for the Child Labor Act.

These legal protections notwithstanding, resources devoted to their enforcement are limited, and children work in many sectors of the economy. NGO's estimate that 2.6 million children—most of them girls—are economically active. Of that number, 1.7 million children work full time. The agricultural sector accounts for most child laborers—an estimated 95 percent. According to a 1996 ILO study, most working children in the country are girls. Roughly 60 percent of children who work also attend school. Approximately 70 to 75 percent of boys who work go to school, compared with 50 to 60 percent of girls who work. Others are economically active in a few small-scale and cottage industries, such as ragpicking, brick and tile works, quarries, coal mines, match factories and auto repair shops. In previous years there were reports that children also were economically active in the carpet weaving, pottery, basket weaving, sewing, and ironsmithing industries. A small number of children are employed in bars and restaurants and as domestics and porters.

There are reports that the Maoists use children, including girls, as soldiers, shields, runners, and messengers.

The Ministry of Labor's enforcement record is mixed. According to the Ministry, during the year it conducted several hundred inspections of carpet factories in the Kathmandu Valley to ensure that no child labor was present. The Ministry, with

the help of the ILO, has set up 12 daycare centers in 6 districts for children of carpet weavers, who might otherwise join their parents at the loom. The Government also conducts public awareness programs to raise public sensitivity to the problem of child labor.

The private sector has made its own efforts to eradicate child labor, especially in the carpet industry. In August 1999 the carpet manufacturers association pledged publicly to end child labor in the industry by 2005. The Rugmark Foundation certifies carpets made without child labor; over half of all carpet factories participate in this or a similar certification system. As a result of this initiative, and of consumer pressure, Rugmark estimates that children constitute only 2 percent of the work force in the export-oriented carpet industry. However, children's rights activists still state that children remain a part of the work force, in the smaller factories.

Trafficking in girls continues to be a serious problem (see Section 6.f.).

e. Acceptable Conditions of Work.—In April 2000 the Government passed legislation that raised the minimum monthly wage for unskilled labor to \$20 (Rs. 1,450). The law also defined monthly minimum wages for semi-skilled labor at approximately \$21 (Rs. 1,500), skilled labor at \$22 (Rs. 1,610), and highly skilled labor at \$25 (Rs. 1,800). The minimum wage for children ages 14 to 16 was set at \$16 (Rs. 1,144). Wages in the unorganized service sector and in agriculture often are as much as 50 percent lower. The Labor Act calls for a 48-hour workweek, with 1 day off per week, and limits overtime to 20 hours per week.

Health and safety standards and other benefits such as a provident fund and maternity benefits also are established in the act. Implementation of the new Labor Act has been slow, as the Government has not created the necessary regulatory or administrative structures to enforce its provisions. Workers do not have the right to remove themselves from dangerous work situations without fear of losing their jobs. Although the law authorizes labor officers to order employers to rectify unsafe conditions, enforcement of safety standards remains minimal.

f. Trafficking in Persons.—The law prohibits trafficking in persons and prescribes imprisonment of up to 20 years for infractions; however, trafficking in women and girls remains a serious problem in several of the country's poorest areas, and borderguards commonly accept bribes from traffickers. The Government protects the rights of victims and does not detain, jail, or prosecute them for violations of other laws. Young women are by far the most common targets; trafficking of boys has been reported in rare instances. While the vast majority of trafficking is of women and girls for sexual exploitation, women and girls sometimes are trafficked for domestic service, manual or semi-skilled bonded labor, or other purposes. The country is a primary source country for the South Asia region; most women and girls trafficked from the country go to India. Local NGO's combating trafficking estimate that from 5,000 to 12,000 Nepali women and girls are lured or abducted annually into India and subsequently forced into prostitution; however, these numbers are not consistent and NGO's are seeking better estimates. Citizens reportedly also have been trafficked to Hong Kong, Saudi Arabia, and other countries in the Middle East. In some cases, parents or relatives sell women and young girls into sexual slavery. Hundreds of girls and women return to the country annually after having worked as prostitutes in India. Most are destitute and, according to some estimates, 50 percent are HIV-positive when they return. There is legislation to protect women from coercive trafficking, including a ban on female domestic labor leaving the country to work in Saudi Arabia and other countries in the Gulf; however, enforcement is not strict and penalties are modest (see Section 2.d.). Women's rights groups have protested the ban as discriminatory: Government officials suspect that organized crime groups and "marriage brokers" are the primary perpetrators of trafficking in the country. The traffickers usually are from the country, but have links to brothels in India. NGO's report that approximately 50 percent of the victims are lured to India with the promise of good jobs and marriage, 40 percent are sold by a family member and 10 percent are kidnaped. These estimates have not been verified. NGO's have found that once prevention programs are instigated in a district, the traffickers move to other areas.

A children's human rights group states that 20 percent of prostitutes in the country are younger than 16 years old. Since 1996 active special police units have dealt with crimes against women and children.

Enforcement of antitrafficking statutes remains sporadic, but the Ministry of Women, Children and Social Welfare (MOWCSW) has introduced legislation to toughen penalties against traffickers. The Human Trafficking Control Act of 1986 prohibits selling persons in the country or abroad and provides for penalties of up to 20 years' imprisonment for traffickers. However, this legislation does not criminalize the separation of minors from their legal guardians with the intent of trafficking them. As a result, no crime occurs until the victim and perpetrators are out-

side the jurisdiction. There are many social and legal obstacles to successful prosecution, and convictions are rare. Border guards commonly accept bribes to allow contraband and trafficked girls in or out of the country.

According to the 1999–2000 annual report of the Attorney General's Office, 470 antitrafficking cases have been filed, of which 86 resulted in convictions and 53 in acquittals, while 331 remain undecided. A survey conducted of 3 jails in the capital by the Human Rights and Environment Forum (HUREF) found 180 convicted or alleged traffickers in jail. Those convicted were serving sentences of up to 20 years.

While the Government lacks both the resources and institutional capability to address effectively its trafficking problem, the Government has established a National Task Force at MOWCSW with personnel assigned to coordinate the response. There are programs in place to train the police and the MOWCSW works closely with local NGO's to rehabilitate and otherwise assist victims. However, the Government lacks the fiscal means to provide adequate training and resources to police, and the courts are overburdened and susceptible to corruption. Government welfare agencies generally are incapable of delivering effective public outreach programs or assistance to trafficking victims. As a result, antitrafficking efforts primarily have been the domain of NGO's and bilateral donors. While the Government has promulgated a "National Plan of Action" to combat trafficking, its implementation has been haphazard.

The Government provides limited funding to NGO's to provide assistance to victims with rehabilitation, medical care, and legal services. The Ministry of Labor and Social Welfare sponsors job and skill training programs in several poor districts known for sending prostitutes to India. In May 1999, the Ministry of Women and Social Welfare opened the Women's Skill Development and Training Center, a rehabilitation and skills training center for women returned from being trafficked and for women and girls at risk of being trafficked. The Government protects the rights of victims and does not detain, jail, or prosecute them for violations of other laws.

The Government, together with NGO's and international organizations, has implemented local, regional and national public awareness campaigns about trafficking in persons. Cultural attitudes toward returned victims of trafficking are often negative and the Government response sometimes reflects that bias. There are more than 40 NGO's combating trafficking, several of which have rehabilitation and skills training programs for trafficking victims. Two representative NGO's are members of the MOWCSW's National Task Force Against Trafficking. With the Government's endorsement, many NGO's have public information and outreach campaigns in rural areas. These groups commonly use leaflets, comic books, films, speaker programs, and skits to convey antitrafficking messages and education. Some organizations involved in the rehabilitation of trafficking victims state that their members have been threatened and that their offices have been vandalized because of their activities.

In October 2000, the U.N. Development Fund for Women (UNIFEM), NGO's and the Home Ministry together hosted a regional workshop with senior police officers to enhance cross border antitrafficking collaboration. NGO's and law enforcement officials discussed ways of improving bilateral and regional cooperation on investigating and prosecuting traffickers and ensuring better protection of victims.

PAKISTAN

In October 1999, the elected civilian Government of former Prime Minister Mian Nawaz Sharif was overthrown in a bloodless coup led by Army Chief of Staff General Pervez Musharraf. In consultation with senior military commanders, General Musharraf designated himself Chief Executive, and suspended the Constitution, the Parliament, and the national and provincial assemblies. The office of the President, which mainly is ceremonial, was retained. In 1999 General Musharraf appointed an advisory National Security Council, which included military and civilian advisers, a civilian cabinet, and new governors to all four provinces. The government bureaucracy continued to function; however, at all levels the functioning of the Government after the coup was "monitored" by military commanders. On June 20, General Musharraf was sworn in as the country's President, after the Provisional Constitutional Order (PCO) was amended (the PCO functions in place of the country's suspended Constitution). In 2000 the Supreme Court ruled that the Musharraf Government was constitutional and imposed a 3-year deadline—starting from October 12, 1999—to complete a transition to democratic, civilian rule. Between December 31, 2000, and August 2, local elections were held in five phases on a nonparty basis; on August 14, the Government announced that elections on the national and provincial level are scheduled to take place between October 1 and 11, 2002. The Govern-

ment subsequently confirmed that political parties are to be permitted to participate. However, President Musharraf announced on several occasions that he intends to remain in office after the elections are held. The constitutional mechanism allowing Musharraf to do so remains unclear. The Government has aimed to empower women by increasing women's participation in government, reserving one-third of the seats on local governing bodies for women. Electoral reforms prepared during the year included the elimination of the separate electorates system for religious minorities and the tripling of National Assembly seats reserved for women. Corruption and inefficiency remained acute, despite reforms initiated by the Musharraf government to reduce corruption; however, these reforms have had some effect on officials in higher levels government. The suspended Constitution provided for an independent judiciary; however, the judiciary was subject to executive branch and other outside influences, and inadequate funding, inefficiency, and corruption were problems. The Supreme Court demonstrated a limited degree of independence; however, the overall credibility of the judiciary remained low, and President Musharraf has taken steps to control the judiciary and to remove his Government from judicial oversight. During the year, the Government undertook a donor-funded program to reform the lower levels of the judiciary; minor improvements were evident by year's end.

The police have primary internal security responsibilities, although paramilitary forces, such as the Rangers and the Frontier Constabulary, provide support in areas where law and order problems are acute, such as Karachi and the frontier areas. Provincial governments control the police and the paramilitary forces when they are assisting in law and order operations. In 2000 the Government announced a devolution plan that included some increase in local political control of the police; the plan was implemented on August 14 but no significant improvements were reported by year's end. During some religious holidays, the regular army is deployed in sensitive areas to help maintain public order. After the coup, the army played a role in enforcing exit control restrictions at airports and border crossings. Members of the police committed numerous serious human rights abuses.

Pakistan is a poor country with great extremes in the distribution of wealth; its population is approximately 140 million. Education, especially for women, is poor; only 33 percent of the population are judged literate, even using a very low standard. Cotton, textiles and apparel, rice, and leather products are the principal exports. The economy includes both state-run and private industries and financial institutions. The suspended Constitution provided for the right of private businesses to operate freely in most sectors of the economy and there continued to be a strong private sector. The per capita annual income is approximately \$475 (PRs 30,000). During the year, the Government pursued several major economic reforms designed to alleviate poverty. In September, the Government successfully completed a 10-month Standby Agreement with the International Monetary Fund (IMF) aimed at stabilizing the economy and restoring fiscal discipline through improvements in governance. The Government also completed work on a poverty reduction strategy report that received joint IMF-World Bank approval in December. The report was the result of an 18-month consultative process between the Government, nongovernmental organizations (NGO's), civic groups, the public, and international donors that was aimed at building a framework for eliminating poverty. On the basis of the Government's commitment to eliminate poverty, on December 12 the IMF approved a \$1.3 billion, 3-year Poverty Reduction and Growth Facility program for the country that is to help the Government to complete its economic reform program. With the assistance of international donors, the Government increased funding commitments to health, education, and rural job creation programs.

The Government's human rights record remained poor; although there were some improvements in a few areas, particularly with regard to protection of religious minorities from intimidation from extremists, serious problems remained. Citizens continued to be denied the right to change their national and provincial governments peacefully but participated in local government elections during the year that provided increased power to district mayors and councils. Police committed numerous extrajudicial killings; however, the total number of such killings has declined in recent years. In Karachi there were fewer killings between rival political factions during the year; however, there was an increase in violence and killings between rival religious sects. Police abused and raped citizens. While the officers responsible for such abuses sometimes were transferred or suspended for their actions, no officer has been convicted and very few have been arrested. The Government conducted a series of trainings for police officers in provincial capitals; in these trainings, human rights abuses committed by law enforcement officials were acknowledged openly. In Karachi there were signs of progress in redressing police excesses; however, in general police continued to commit serious abuses with impunity. Prison conditions re-

remained extremely poor and life threatening, and police arbitrarily arrested and detained citizens. In midyear the Government undertook a major effort to curb religious extremism. Two organizations responsible for sectarian killings were banned on August 14, and by year's end, the Government had accelerated a crackdown on members of several extremist religious groups. During the year, the last remaining Sharif government leaders in custody were released; however, Mehtab Abbasi and Javed Hashmi, two senior politicians allied to Nawaz Sharif, were detained by the National Accountability Bureau and remained in custody at year's end. Supporters claimed that their arrests were politically motivated. Several major political leaders remained in exile abroad at year's end. Case backlogs led to long delays in trials, and lengthy pretrial detention is common. The judiciary is subject to executive and other outside influences, and corruption, inefficiency, and lack of resources remained problems. The Government has taken steps to control the judiciary and to remove itself from judicial oversight. Some aspects of the Government's implementation of its anticorruption campaign violated due process. In April 2000, the Sindh Court found former Prime Minister Nawaz Sharif guilty of treason and other charges; however, the court imposed a life sentence instead of the death penalty sought by the Musharraf Government. The court acquitted Sharif's six codefendants. In October 2000, the Sindh High Court upheld Sharif's conviction. In December 2000, the Government commuted Sharif's prison sentence and exiled him and 18 of his family members to Saudi Arabia for 10 years. The Government infringed on citizens' privacy rights.

The press was able to publish relatively freely; however, several journalists practiced self-censorship, especially on sensitive issues related to the military. There was no systematic harassment campaign against newspapers or commentators critical of the Government during the year; however, provincial and local governments occasionally arrested journalists and closed newspapers accused of printing offensive material. The broadcast media remain a closely controlled government monopoly. Journalists often were targets of harassment and violence by individuals and groups. The Government restricted freedom of assembly. During the year, the Government sporadically permitted several large antigovernment demonstrations; however, it prevented other protests and arrested organizers, including for security reasons. In March 2000, the Government instituted a country-wide ban on strikes, processions, and outdoor political demonstrations. The Government maintained some limits on freedom of association. The Government continued to impose limits on freedom of religion, particularly for Ahmadis. The Government also imposed limits on freedom of movement. President Musharraf has spoken out against some of the human rights abuses of the previous government; however, the Government only made minimal progress toward achieving the goals set at an April 2000 human rights conference and subsequent conferences devoted to human rights themes that were held during the year. However, progress in certain areas can only be made in the long term with significant resource commitments.

Significant numbers of women were subjected to violence, abuse, rape, and other forms of degradation by spouses and members of society. The Government publicly has criticized the practice of "honor killings" but failed to take corrective steps, and such killings continued throughout the country. Discrimination against women was widespread, and traditional social and legal constraints kept women in a subordinate position in society. Violence against children, as well as child abuse, and prostitution, remained serious problems. Female children still lag far behind boys in education, health care, and other social indices. Governmental and societal discrimination against religious minorities, particularly Ahmadis and Christians, remained a problem, and the Government failed to take effective measures to counter prevalent public prejudices against religious minorities. Religious and ethnic-based rivalries resulted in numerous killings and civil disturbances; however, President Musharraf and several cabinet ministers publicly condemned efforts by some clerics to foment hatred and announced a plan to deny the use of madrassahs (Islamic religious schools) for extremist purposes. The Government and employers continued to restrict worker rights significantly. Debt slavery persisted, and bonded labor by both adults and children remained a problem. The use of child labor remained widespread, although it generally is recognized as a serious problem, and industrial exporters have adopted a number of measures to eliminate child labor from specific sectors. Trafficking in women and children for the purposes of prostitution and bonded labor was a serious problem. Mob violence and terrorist attacks remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—Police committed extrajudicial killings. The Human Rights Commission of Pakistan (HRCP) noted that there were 169 extrajudicial killings during the year, a decrease from the 271 extrajudicial killings reported in 2000. The police and were responsible for the deaths of a number of individuals associated with political or terrorist groups during the year.

The extrajudicial killing of criminal suspects, often while in police custody or in staged encounters in which police shoot and kill suspects, is common. Police officials generally insist that these deaths occur during attempts to escape or to resist arrest; family members and the press insist that many of these deaths are staged. Police personnel have been known to kill suspected criminals to prevent them from implicating police in crimes during court proceedings. After an attempt was made on then-Prime Minister Sharif's life in January 1999, as many as 40 Sunni Muslims associated with the Lashkar-i-Jhangvi, the group thought to be responsible for the attack, may have been killed in police encounters. In addition to killing suspects to prevent them from implicating the police in court, police reportedly killed suspected criminals to circumvent or overcome insufficient evidence, witness intimidation, judicial corruption, and, at times, political pressure. The judiciary, on the other hand, faults the police for presenting weak cases that do not stand up in court.

According to the Society for Human Rights and Prisoner's Aid (SHARP), a local NGO, 43 deaths due to police torture were reported during the year. Amnesty International (AI) estimates that at least 100 persons die from police torture each year (see Section 1.c.).

On October 9, three protesters, including a 13-year-old boy, were killed when police fired into a crowd that was attempting to attack a police station and a post office in Kuchlak. The protestors, who mainly were Afghan refugees, were protesting military action in Afghanistan. According to witnesses, the protesters were killed in an exchange of fire between police and some of the protesters. The police stated that they acted in self-defense, and that three police officers were injured in the incident. On November 9, four demonstrators, who mostly were students from a local madrassah, were killed by police in Dera Ghazi Khan, Punjab, while attempting to stop a police van carrying the leader of the Jaish-e-Mohammad (JM), a militant Sunni Muslim religious group. The police stated that they fired at the demonstrators after they attacked several policemen.

During the year, the HRCP reported disturbances at prisons by prisoners over their mistreatment by prison staff. Eleven prisoners at Adiala jail in Rawalpindi beat a police officer for not allowing their visitors to meet with them. Similar incidents were reported in Sahiwal and Faisalabad districts. There were reports that four prisoners died in a riot in a Peshawar jail in October 2000; however, prison authorities denied these reports. No disciplinary actions were taken or charges filed in connection with the incident, and the Government is unlikely to take further action.

A committee of inquiry was established in 1999 to look into the death of Pakistan Muslim League youth wing leader Qasim Khan, who died while in the custody of the Peshawar police in July 1999. However, despite requests from human rights activists, the committee did not publish its findings, and the officer who allegedly was involved in the killing retained his position. According to a member of the HRCP, Khan's family agreed to financial compensation from the police officer. Khan's family may have dropped the inquiry under pressure from the local police. Further action in this case is unlikely.

The Muttahida Quami Movement (MQM), an urban Sindh-based political party that in the past used violence to further its aims, claimed that the police specifically targeted its adherents for extrajudicial killings. Altaf Hussain established the MQM in 1984 to promote the rights of Mohajirs, the descendants of Urdu-speaking Muslims who migrated from India to Pakistan following partition in 1947. Elements of the group became involved in extortion and other forms of racketeering, and the party split into the MQM-Altaf—the original group headed by Altaf Hussain, a large breakaway group (MQM-Haqiqi), and a few smaller factions. The MQM-Altaf, in part because of its efficient organization and willingness to use violence, became the dominant political party in Karachi and Hyderabad; however, the party sent several moderate and nonviolent leaders to the suspended Parliament and the Sindh provincial assembly. Because of its past links to violent groups, the MQM-Altaf has antagonized followers, suffered violent breakaways, and continually been at odds with successive governments. The MQM-Altaf reported that 12 of its members were killed during the year; 1 while in police custody, 2 by members of the MQM-Haqiqi, and 9 by unknown assailants. The MQM-Altaf alleged that the Government may

have been responsible for some of the killings by unknown assailants. In a 1999 report, the MQM listed 10 persons, mostly MQM activists, that it alleged were killed extrajudicially by Karachi police between October 1998 and March 1999. Since the coup, reports of extrajudicial killings of MQM activists have dropped sharply. However, in September 2000, two MQM activists were killed, allegedly by government forces.

Police officers occasionally are transferred or briefly suspended for involvement in extrajudicial killings. However, court-ordered inquiries into these killings have resulted in few trials and no convictions. In general police continued to commit such killings with impunity. In February 2000, two police inspectors who were charged with killing a member of the Muttahida Quami Movement in custody were denied bail after the Sindh High Court determined that they had falsified precinct records and appeared to have committed the crime. Punjabi police killed Tahir Prince in February 1999; after his mother filed a writ, the Lahore High Court ordered a case registered against two police officers, one of whom was dismissed midyear on charges of corruption. Tahir Prince's family then accepted financial compensation and dropped the case against the two officers. There were no high profile cases of extrajudicial killing reported during the first 9 months of the year.

Police professionalism is low. New officers only receive 6 months of training, and many hires are the result of political patronage rather than merit. Salaries and benefits are inadequate. However, in August the Government introduced a comprehensive package of police reforms. Key changes include transferring oversight of district superintendents of police (DSP) (a rank roughly equivalent to a lieutenant colonel) from federally appointed district commissioners to elected district mayors; granting DSPs permission to order the use of live fire on their own authority; and the establishment of public safety commissions at the district level. Under this system, a police officer who believes that the district mayor is abusing his authority over local law enforcement will have a place to seek redress.

There were at least two high profile killings during 2000. In January 2000, unknown assailants killed the chief justice designate of the Baluchistan High Court; it is likely that the killing was a personal vendetta. In March 2000, unknown assailants killed Iqbal Raad, one of the defense lawyers for former Prime Minister Sharif. However, many observers believe that Raad's involvement in the Sharif trial was not a factor in his death. Although there were no reports of politically prominent Afghans being targeted for killings during the year, local newspapers reported that more than 10 politically prominent Afghans were killed during 2000 (see Section 2.d.). Afghans attributed some of these killings to personal rather than political disputes. The police did not arrest anyone in connection with these killings.

Politically motivated and sectarian violence continued with several persons killed during the year. On January 28, Sheikhu Hadih Maulana Inayatullah of Karachi was killed by six unidentified assailants who intercepted his van while he was traveling to his school, Jamia Farooqia, a Sunni Muslim seminary known for its strident anti-Shi'a Muslim teachings. Local commentators believe the killing to be the work of Sipah-e-Mohammad, a Shi'a Muslim extremist group. On March 1, sectarian rioting in Hangu, a small city in the North West Frontier Province (NWFP), resulted in at least 10 deaths. Prior to the riots, the Sunni Muslim extremist group Sipah-e-Sahaba Pakistan (SSP) had arranged prayer gatherings throughout the NWFP for SSP activist Haq Nawaz, who was executed on February 28 for the 1990 killing of the leader of the Iranian cultural center in Lahore. SSP activists reportedly left one of these gatherings and proceeded to Hangu's main shopping area where they shot and killed three Shi'a shopkeepers and one Sunni bystander, among others. On March 4, between 12 and 16 persons, including 2 police officers, were killed when 4 men opened fire in an Imambargah (a Shi'a mosque) in Sheikhpura. On May 18, a vehicle carrying Saleem Qadri, the leader of the Sunni Tehrik Party, and seven others, was attacked by six men with automatic weapons. Qadri and the others had been on their way to Friday prayers in Karachi. The Sunni Tehrik Party is a mid-sized Sunni Muslim extremist organization with a reputation for carrying out bombings, shootings, and other acts of violence. Local commentators speculated that rival Sunni extremist groups, including the Jaish-e-Mohammad and the SSP, may have ordered Qadri's killing. On July 26, Shaukat Raza, a Shi'a Muslim and CEO of Pakistan State Oil, was killed in Karachi, most likely by Sunni Muslim extremists. On July 28, Siddique Khan Kanju, a Shi'a Muslim and former Minister of State for Foreign Affairs, was killed in district Lodhran, Punjab, most likely by Sunni Muslim extremists. On August 27, unknown assailants shot and killed a Shi'a Muslim Deputy Superintendent of Police, Kausar Abbas Shah Gillani, in Bahawalpur, Punjab. On December 21, unknown assailants shot and killed Ehteshamuddin Haider, brother of Interior Minister Moinuddin Haider, as he left work at the Fatimid Hospital Foundation in Karachi. Some have speculated that he was killed in response

to the Interior Minister's crackdown on extremist groups. A police investigation was underway but no arrests had been made in connection with the case by year's end.

On October 28, three assailants shot and killed a police officer on guard outside of St. Dominic's church in Bahawalpur during Protestant services at the church; they then entered the church, closed its doors, and began firing into the congregation. Sixteen persons were killed. Police arrested 18 members of the Jaish-i-Mohammad in connection with the massacre, although as of December none of them had been charged. Government officials stated that the investigation was ongoing at year's end.

There were numerous bombings during the year. For example, on August 20, 1 person was killed and 15 persons were injured when a bomb exploded near a communal water tap in the Dhabi Bazaar area of Lahore (see Section 1.c.). In 2000 there were many bombings throughout the country that killed more than 50 persons and injured more than 200 others. No one claimed responsibility for any of these acts; such bombings have taken place for many years.

More than 800 women were killed by family members in so-called "honor killings;" honor killings are a problem. Mehvish Miankhel, a member of an influential political family in Dera Ghazi Khan, allegedly was killed by her uncle in April. Her uncle had accused her of having an affair with the family's driver. A criminal complaint was filed against Miankhel's uncle, father, grandfather, two cousins, and two maternal uncles on July 7. All were granted prearrest bail and were not detained. In March 2000, women's rights activists told a local newspaper that the frequency of honor killings was on the rise. For example, on June 1, 2000, a man from Yar Hussain in the NWFP allegedly killed his 20-year-old daughter, Mumlikat Bibi, while she was sleeping. The father reportedly opposed his daughter's efforts to choose a spouse without parental consent (see Sections 1.f. and 5).

Tension along the line of control between Pakistan and Indian-held Kashmir was high during the year, and there was shelling in several sectors. A senior army official in Pakistan-controlled Kashmir estimated that approximately 150 civilians were killed on the Pakistani side of the line of control.

b. Disappearance.—There were credible reports of politically motivated disappearances. For example, retired Major General Anwar Sher and an Afghan aide, Abdul Qaher Shariati, disappeared in July 2000; they were active in organizing Afghans to pursue a peace process. There has been no police investigation into the disappearances. In the intra-Mohajir violence in Karachi, victims sometimes first are held and tortured by opposing groups (or, as the MQM-Altaf alleges, by security forces). Bodies of these victims, often mutilated, generally are dumped in the street soon after the victims are abducted; however, the incidence of such crimes decreased greatly during 2000.

In July 2000, a woman in Baluchistan was abducted by members of her tribe after a tribal jirga (council) forced the woman to annul her marriage. There were no new developments in the case during the year. Human rights observers state that government officials rarely get involved in tribal affairs.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The suspended Constitution and the Penal Code expressly forbid torture and other cruel, inhuman, or degrading treatment; however, police regularly torture, beat, and otherwise abuse persons. Police routinely use force to elicit confessions; however, there were fewer reports of torture by police during the year. Some human rights groups have stated that this decrease reflects the influence of army monitoring teams, who discourage the use of torture; other observers have suggested that the frequency of torture remained unchanged, but the media devoted less attention to the issue during the year. Human rights observers suggest that, because of widespread torture by the police, suspects usually confess to crimes regardless of their actual culpability; the courts subsequently throw out many such confessions. According to the Society for Human Rights and Prisoner's Aid (SHARP), a local NGO, 43 deaths due to police torture were reported during the year. AI estimates that at least 100 persons die from police torture each year. According to a 1999 Human Rights Watch report, children in detention also are subjected to torture and mistreatment.

Police personnel continued to torture persons in custody throughout the country. In May a Christian NGO in Sargodha reported that a Christian man was arrested and tortured by a police Station House Officer (SHO) who had a personal grievance against him. The man was released from custody without charges having been filed. In June 2000, a local newspaper reported that prisoners waiting to appear in court routinely are held in fetters in police vans, even on extremely hot days. According to MQM officials, police arrested more than 700 MQM members during 1999 and 2000 (see Section 1.d.); many of these persons reportedly were tortured in custody. The MQM claims that the police arrested 400 of its members during the year under

the Maintenance of Public Order Act. Almost all of them had been released by year's end, but the MQM reported that a total of 500 of its members remained jailed in Karachi (including a former provincial assembly member) and another 300 were jailed in Sindh at year's end. In November 1999, Rana Sanaullah Khan, a Pakistan Muslim League (PML) member of the suspended Punjab provincial assembly, was arrested for criticizing the Musharraf Government; he reportedly was tortured in custody. No investigation was carried out regarding these cases, and the Government is unlikely to take further action.

Common torture methods include: Beating; burning with cigarettes; whipping the soles of the feet; sexual assault; prolonged isolation; electric shock; denial of food or sleep; hanging upside down; forced spreading of the legs with bar fetters; and public humiliation. Some magistrates help cover up the abuse by issuing investigation reports stating that the victims died of natural causes.

Human rights organizations and the press have criticized the provision of the Anti-Terrorist Act that allows confessions obtained in police custody to be used in "special courts," because police torture of suspects is common. Police generally did not attempt to use confessions to secure convictions under this law, and the Government agreed to amend the law after the Supreme Court in 1998 invalidated this and other sections of the Anti-Terrorist Act.

There was greater scrutiny by NGOs and the media of police behavior, including prison inspections in the Punjab and Sindh. In 2000 in Karachi the Citizens Police Liaison Committee (CPLC) brought cases against police officers who make false arrests, practice torture, or take bribes. However, a CPLC member reported that no new cases had been filed against police officers during the year. CPLC officials believed that police reforms introduced during the year (including increased oversight by elected officials) were responsible for fewer abuses. During the year, 1,888 Karachi police officers reportedly were punished for various offenses. Of these, 552 officers were discharged, 64 received compulsory retirement, and 83 were demoted or had their pay docked. Cooperation between the CPLC and the police human rights complaint cell resulted in the dismissal of 216 policemen and the demotion of or fines for 1,226 others between November 1998 and July 1999.

The Hudood Ordinances, which aimed to make the Penal Code more Islamic, provide for harsh punishments for violations of Shari'a (Islamic law), including death by stoning for unlawful sexual relations and amputation for other crimes. These so-called Hadd punishments require a high standard of evidence. In effect four adult Muslim men of good character must witness an act for a Hadd punishment to apply. In over 20 years since the Hudood Ordinances were adopted, not a single Hadd punishment has been carried out. However, on the basis of lesser evidence, ordinary punishments such as jail terms or fines are imposed. From 1979 to 1995, more than 1 million Hudood cases were filed, and 300,000 were heard by the courts. More recent statistics are unavailable. The Hudood Ordinances are applied to Muslims and non-Muslims alike.

In March 2000, a judge sentenced two prisoners convicted of killing almost 100 children to be executed by having their bodies cut into 100 and 98 pieces, respectively, and then having the pieces dissolved in acid. Legal experts criticized the judgment as overly harsh. On October 9, one of the two defendants, Javed Iqbal, apparently committed suicide in his prison cell.

Special women's police stations have been established in response to growing numbers of complaints of custodial abuse of women, including rape. These stations are staffed by female personnel, but receive even fewer material and human resources than regular police stations. Efforts to raise funds for the stations during the year achieved minimal progress. According to the Government's Commission of Inquiry for Women, the stations do not function independently or fulfill their purpose. Despite court orders and regulations that only female officers may interrogate female suspects, women continued to be detained overnight at regular police stations and abused by male officers. Based on Lahore newspaper reports from January to May 1999, the HRCF found 11 cases of violence, rape, or torture of women in police custody. Instances of abuse of women in prisons are less frequent than in police stations. Sexual abuse of child detainees by police or guards reportedly also is a problem.

Police routinely use excessive force against demonstrators or strikers. On January 10, police used batons in a charge against members and sympathizers of the All Faiths Spiritual Movement during a protest against the blasphemy laws. Sixteen demonstrators were arrested. One protester later acknowledged that police initiated the crackdown only after issuing several verbal warnings ordering the protesters to disperse. In early June 2000, police used force to disperse a group of protesters, injuring four persons. Police accused the protesters of throwing stones and bricks at them, but some eyewitnesses alleged that the police fired without provocation. Later

that month, police used batons and deployed tear gas during a rally of businessmen. In both incidents, the protesters were challenging government plans to collect sales taxes.

Police at times also beat journalists (see Section 2.a.).

Police failed in some instances to protect members of religious minorities—particularly Ahmadis and Christians—from societal attacks (see Sections 2.c. and 5).

Despite some cases during the year in which police officers were investigated or charged in connection with abuse of detainees, the failure of the Government to prosecute and to punish abusers effectively is the single greatest obstacle to ending or reducing police abuse. The authorities sometimes transferred, suspended, or arrested offending officers, but seldom prosecuted or punished them; investigating officers generally shield their colleagues. However, on May 14, the Supreme Court upheld the Lahore High Court's January 5 conviction of two government doctors for submitting false statements regarding police torture of prisoner Nadeem Iqbal. The Lahore High Court previously ordered the arrest of the police officials in charge of the Sialkot district police station where Iqbal was tortured; at year's end, three police officers had been jailed in connection with the torture of Iqbal. All three were found guilty by an internal police investigation. In February 2000, Deputy Inspector General Fayyaz Ahmed Leghari stated that in 1999 Sindh police penalized 28,000 officers for malfeasance, and discharged or compulsorily retired 1,100 out of a total provincial force of 85,000. In February 2000, two police inspectors charged with killing an MQM activist in custody in 1998 were denied bail after the Sindh High Court determined that they falsified precinct records and appeared to have committed the crime (see Section 1.a.). During the year, the two police inspectors were released on bail.

Police corruption is widespread. Police and prison officials frequently use the threat of abuse to extort money from prisoners and their families. Police accept money for registering cases on false charges and torture innocent citizens. Persons pay the police to humiliate their opponents and to avenge their personal grievances. During the year, the Government took some steps to reduce police corruption and transferred several senior police officers to other provinces to circumvent their local ties. The Government also deployed army officers to police stations.

Prior to the October 1999 coup, successive governments recruited police officers in violation of considerations of merit and the department's regulations. In some instances, recruits had criminal records. Police corruption was most serious at the level of the Station House Officer (SHO), the official who runs each precinct. In 1998 300 SHO's recruited on merit began a long-delayed special training course; the new SHO's have been hired but there has been no significant improvement in police performance. Some SHO's widely are believed to operate arrest-for-ransom operations, and establish unsanctioned police stations to collect illicit revenue. An August 2000 news report listed seven such stations in Karachi. SHO's are powerful; although no such incidents were reported during the year, some are believed to have killed superior officers who tried to stop corrupt practices in the past. Senior government officials have confirmed that police stations, and assignments therein, are sold to interested parties who then proceed to recoup their investment through illicit activities.

In August the Government implemented reforms at the local level that included taking responsibility for the police away from the nonelected District Commissioners while granting oversight authority over the police to the newly elected district nazims (mayors) and newly organized Public Safety Commissions (that are composed of elected and nonelected members). The impact of this reform remained unclear at year's end, although some critics claim that the reforms will make it easier for politicians to order the police to intimidate and harass their political opponents. Senior government officials predict that it will take several years of sustained political and financial commitment before positive gains are achieved. Actions taken to redress police abuses often have mixed results. In urban Sindh, the CPLC committees helped to curb some excesses, but complaints of large-scale police abuses persist.

A number of bombings killed and injured many persons during the year. For example, on August 20, 1 person was killed and 15 persons were injured when a bomb exploded near a communal water tap in the Dhabi Bazaar area of Lahore. No one claimed responsibility for the bombing; police investigated the incident, but no arrests had been made by year's end.

Prison conditions are extremely poor and life threatening. Overcrowding is widespread. According to the HRC, there are 80,000 prisoners in jails that were built to hold a maximum of 35,833 persons. In 1999 a journalist for the Nation newspaper visited Adiala jail in Rawalpindi and reported that the prison held 4,277 prisoners but was built for 2,000. According to a February 2000 press report, Sindh provincial officials claimed that the 16 jails of Sindh province, with a total capacity of 7,759

prisoners, actually housed more than 14,000. Karachi central prison is the most overcrowded, with a population of 4,087 prisoners in a space designed for only 991; only 2 toilets are available per every 100 prisoners and the daily food budget in the lowest class of cells equals about \$.02 (Pr 1) per prisoner. The HRCP claimed that the Lahore district jail, built to house 1,045 prisoners, contains 3,200. In July 1999, the Punjab Home Department admitted before the Lahore High Court that more than 50,000 prisoners were held in Punjabi jails meant for 17,271. In the NWFP, 21 prisons with a total capacity of 7,397 prisoners housed 10,194 persons, including 485 children. Some 80 percent of prisoners are awaiting trial, mostly for petty offenses.

There are three classes (A, B, and C) of prison facilities. Class "C" cells generally hold common criminals and those in pretrial detention. Such cells often have dirt floors and no furnishings. Prisoners in these cells reportedly suffer the most abuse, including beatings and forced kneeling for long periods of time. In 1998 the Senate's Committee on Human Rights reported that at one facility in Hyderabad, 60 prisoners were confined to a space 100 feet by 30 feet with only 1 latrine. Such unsanitary conditions are common in small, poorly ventilated, and decrepit colonial-era prisons, which mainly are classified as class "C." Inadequate food, often consisting of only a few pieces of bread, leads to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care is a problem. Mentally ill prisoners normally lack adequate care and are not segregated from the general prison population (see Section 5). Foreign prisoners, mostly citizens of African countries with minimal diplomatic representation, often remain in prison long after their sentences are completed because there is no one to pay for their deportation to their home country. Government officials claim that years of inadequate budgets are the reason for poor prison conditions. Conditions in "A" and "B" cells are markedly better; prisoners in these cells are permitted to have servants, special food, and satellite television. Authorities reserve "A" cells for prominent persons, including political leaders. Especially prominent individuals—including some political figures—sometimes are held under house arrest and permitted to receive visitors. "B" cells often are used for prisoners with a university education or who benefit from political connections.

Shackling of prisoners is routine. The principal of the Institute for Jail Staff Training in Lahore stated in a July 1999 press interview that fettering is the most convenient way to administer an overcrowded jail. Although fettering was banned nationally in April 2000, many prisoners continue to be fettered for administrative convenience or in an attempt to solicit bribes. The shackles used are tight, heavy, and painful, and reportedly have led to gangrene and amputation in several cases. No cases concerning the fettering of minors were reported in the press during the year.

Unlike the previous year, there were no reports of major prison riots.

Female detainees and prisoners are held separately from male detainees and prisoners. According to the Human Rights Commission of Pakistan, there were 700 women in jail in Sindh province at year's end, including 247 in Karachi Central Jail. According to the Ministry of Interior, there were 27 women in jail in Baluchistan province; 18 were awaiting the completion of trials and 9 were convicted criminals. Pretrial detainees often are not segregated from convicted criminals.

There is only one jail in each province for convicted prisoners under 21 years of age, and children frequently are incarcerated along with the general prison population, sharing prison conditions that are extremely poor. Many children in prison were born to female inmates who were sexually abused by prison guards. Punjab and Sindh provinces have laws mandating special judicial procedures for child offenders; however, in practice children and adults essentially are treated equally. According to a local NGO, an estimated 4,200 children were held in the nation's prisons at the end of 2000, some as young as 8 years old, compared with 4,000 in 1999. Imprisoned children often spend long periods of time in prison awaiting trial or a hearing before a magistrate, often in violation of the law. One child spent 3 years and 4 months awaiting trial. Children are subject to the same delays and inefficiencies in the justice system as are adults (see Sections 1.d. and 1.e.). Peshawar's jail in 1998 contained 183 children, 40 percent of whom were Afghan refugees. These prisoners were separated from the adult prisoners. According to some estimates, there are 900 children in Karachi's central jail, in a space meant to house 300; these children are 18 and under. Human Rights Watch reports that children frequently are beaten and even tortured while in detention; usually this is done to extract confessions, but it is done also to punish or intimidate child detainees or to extort payment from their families for their release. Sexual abuse of child detainees by police or guards reportedly is a problem as well.

Courts also may order that children be sent to reform schools or various types of residential facilities, many designed to provide vocational or other training. There are two facilities—one in Karachi and one in Bahawalpur—that serve as reform schools for juvenile offenders. Juvenile offenders and, in some cases, homeless and destitute children, may be sent to these residential facilities, for terms not to exceed the amount of time until they reach majority. Conditions in these institutions reportedly are poor, similar to those found in jails. Abuse and torture of the children in such institutions is a problem; one study found that 17.4 percent of the inmates of the Youthful Offenders Industrial School in Karachi had been tortured or otherwise mistreated. Educational facilities in these institutions often are inadequate; however, during 2000 an NGO in Karachi started a school for the approximately 1 dozen children forced to live in a Karachi women's prison. Extortion on the part of the staff at such institutions reportedly is widespread; parents of inmates often are required to pay lower level staff members to visit their children or bring them food. Drug trafficking by guards and other staff also is a problem; some children reportedly have developed drug habits while in these institutions and are supplied drugs by their guards.

The Government permits prison visits by human rights monitors (see Section 1.d.). Landlords in Sindh and political factions in Karachi operated private jails (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the authorities do not always comply with the law and police arbitrarily arrested and detained citizens. The law permits the District Coordinating Officer (DCO) of a local district to order detention without charge for 30 days of persons suspected of threatening public order and safety. The DCO may renew detention in 30-day increments, up to a total of 90 days. Human rights monitors report instances in which prisoners jailed under the Maintenance of Public Order Act have been imprisoned for up to 6 months without charge. For other criminal offenses, police may hold a suspect for 24 hours without charge. After a prisoner appears before a magistrate, the court may grant permission for continued detention for a maximum period of 14 days if the police provide material proof that this is necessary for an investigation. The Musharraf Government created the National Accountability Bureau (NAB) and special accountability courts to try corruption cases; the National Accountability Ordinance initially permitted those suspected of corrupt practices to be detained for 90 days without charge (see Section 1.e.). In April the Supreme Court modified several provisions of the NAB ordinance. It reduced the NAB's freedom to hold suspects without charge from 90 days to 15 days, renewable with judicial concurrence. The maximum period of disqualification from political office pursuant to a corruption conviction was reduced from 21 years to 10 years, and the court required that future appointments of key NAB officials receive the Chief Justice's concurrence.

Police may arrest individuals on the basis of a First Incident Report (FIR) filed by a complainant, and have been known to file FIR's without supporting evidence. FIR's frequently are used to harass or intimidate individuals. Charges against an individual also may be based on a "blind" FIR, which lists the perpetrators as "person or persons unknown." If the case is not solved, the FIR is placed in the inactive file. When needed, a FIR is reactivated and taken to a magistrate by the police; the police then name a suspect and ask that the suspect be remanded for 14 days while they investigate further. After 14 days, the case is dropped for lack of evidence, but then another FIR is activated and brought against the accused. In this manner, rolling charges can be used to hold a suspect in custody continuously.

If the police can provide material proof that detention (physical remand or police custody for the purpose of interrogation) is necessary for an investigation, a court may extend detention for a total of 14 days. However, such proof may be little more than unsubstantiated assertions by the police. In practice the authorities do not observe fully the limits on detention. Police are not required to notify anyone when an arrest is made and often hold detainees without charge until a court challenges them. The police sometimes detain individuals arbitrarily without charge or on false charges to extort payment for their release. In Karachi small squads of police stopped taxis and delivery trucks for bribes. On October 11, a newspaper reported an incident in which a constable, Abid of Pir Wadhai police station, went to the Hotel Anarkali and asked for a room for his friend. When the hotel staff insisted that the constable present identification, the policeman allegedly arrested the hotel manager and eight other members of the hotel staff. The detainees were released after the local business community brought the abuse to the attention of a senior police official. The case later was settled out of court. Human rights monitors report that a number of police stations have secret detention cells in which individuals are kept while police bargain for their release. There also were reports that the police

move prisoners from one police station to another if they suspect a surprise visit by higher authorities. Some women continued to be detained arbitrarily and sexually abused (see Sections 1.c. and 5).

The Federally Administered Tribal Areas have a separate legal system, the Frontier Crimes Regulation (FCR), which recognizes the doctrine of collective responsibility. Authorities are empowered to detain fellow members of a fugitive's tribe, or to blockade a fugitive's village, pending his surrender or punishment by his own tribe in accordance with local tradition (see Section 1.f.). The Government continued to exercise such authority during the year. In March 2000, two persons from Mullah Said village were arrested under the FCR following a shooting incident in which some persons from the village fired on residents of neighboring Badan village. The two later were released.

The police also have been known to detain persons as a result of personal vendettas. Following an August 2000 house robbery in a Christian neighborhood in Islamabad, police reportedly arrested residents of the neighborhood and extorted bribes from them in exchange for their release.

The law stipulates that detainees must be brought to trial within 30 days of their arrest. However, in many cases, trials do not start until 6 months after the filing of charges. In 1998 the HRCP estimated that there were almost as many individuals awaiting trial in jails as there were prisoners serving sentences. According to the chief justice of the Lahore High Court, there were more than 500,000 civil and criminal cases backlogged in the province's subordinate court system as of April 1999. In 1999 in 62 Lahore city courts, 7,000 prisoners were awaiting trial in 6,000 cases; in 3,500 of these cases, the police had not even brought a "challan," or indictment, to the court. Sindh Government officials reported in February 2000 that 11,945 of the 14,219 prisoners in Sindh jails were awaiting trial. The Government justified the creation of antiterrorist courts by citing the large number of murder and other cases that are clogging the regular court system (see Section 1.e.). The antiterrorist courts reportedly sentenced 32 persons to death and 15 persons to life imprisonment during 2000.

Persons in jail awaiting trial sometimes are held for periods longer than the sentence that they would receive if convicted. Court officials report that each judge reviews between 70 and 80 cases per day, but that action is taken on only 3 or 4 each week. According to the Pakistan Law Commission, as of September, there were 121,839 cases pending at the High Court level in Punjab, 127,019 in Sindh, 97,000 in NWFP, and 29,000 in Baluchistan. There were 10,515 cases pending in the Supreme Court as of September 30. According to the press, the Lahore High Court had 64,427 cases pending at year's end. Clogged lower courts exacerbate the situation; the majority of cases in the High Courts consist of appeals of lower court rulings. Once an appeal reaches the High Court, there are further opportunities for delay because decisions of individual judges frequently are referred to panels composed of two or three judges. There continued to be charges that magistrates and police, under pressure from provincial and federal officials to achieve high conviction rates, persuade detainees to plead guilty without informing them of the consequences. Senior government officials acknowledged during the year that this was a problem. Politically powerful persons also attempt to influence magistrates in their decision-making, sometimes threatening to transfer magistrates to other assignments.

In July 1999, press reports noted that hundreds of prisoners remained in the Karachi Central Prison after the completion of their sentences. The Sindh Home Department stated that at least 10 percent of prisoners awaiting trial in Karachi Central Prison had no access to free legal aid or the possibility of bail, even if qualified. Reporters interviewing male prisoners in one cellblock discovered that 16 percent of them were not represented by attorneys. As of March 1999, 6,000 cases awaited trial in 62 Lahore courts, with 7,000 prisoners awaiting a court date. In 3,500 of these cases, the police have not yet submitted a "challan," or indictment.

Asif Zardari, husband of former Prime Minister Benazir Bhutto, has waited for more than 4 years for the start of his trial on charges of killing his brother-in-law, Murtaza Bhutto. Charges first were filed against Zardari in 1997 and transferred successively to two courts, where several judges refused to preside. By the end of 1999, only 2 of 223 witnesses had been heard. In April 1999, Zardari was tried and convicted separately on corruption charges. On April 6, the Supreme Court overturned his conviction on corruption charges. In December Zardari received bail but was not released; the NAB ordered his continued detention on suspicion of corruption.

The Government permits visits to prisoners and detainees by human rights monitors, family members, and lawyers (see Section 1.c.), with some restrictions. In some cases, authorities refuse family visits and, in some police stations, persons must to pay bribes to see a prisoner. Foreign diplomats may meet with prisoners

when they appear in court, but generally are refused permission for prison visits. Local human rights activists report few restrictions to their access to prisons, even though the Government has continued to deny prison visits by the ICRC.

The Government sometimes used preventive detention, mass arrests, and excessive force to quell protests or civil unrest and to prevent political meetings. On a number of occasions, police arrested persons prior to demonstrations under the Criminal Procedures Code ban (see Section 2.b.). These arrests were carried out under Section 16 of the Maintenance of Public Order Act, which prohibits speech that "causes or is likely to cause alarm to the public." On January 10, police used batons against members and sympathizers of the All Faiths Spiritual Movement during a protest against the blasphemy laws (see Section 1.c.). Sixteen demonstrators were arrested.

In January five members of the pro-Nawaz Sharif faction of the Pakistan Muslim League claimed to have been detained by the Government for between 12 and 36 hours. They accused the Government of preventing them from attending an important meeting of their party's leadership. On January 31, police in Lahore arrested 29 female activists from the Pakistan Peoples Party, along with 6 children accompanying them. In such cases, female demonstrators usually are detained for only a few hours. In this case, while the children were released quickly, the protesters were held for over 1 week with ordinary criminals before their release. In late February, the police arrested approximately 500 SSP activists in Jhang and Faisalabad districts, after SSP activist Haq Nawaz Jhangvi was sentenced to death for his role in a killing in 1990 (see Section 5), in order to keep members of the extremist group SSP from protesting the sentence; most later were released. Between March 20 and 23, police detained 253 senior leaders and workers of the Alliance to Restore Democracy (ARD) to prevent them from attending an opposition rally in Lahore scheduled for March 23 (Pakistan Day). Some ARD leaders also reportedly were forced to leave Lahore prior to the rally. Persons who attempted to approach the site of the rally on March 23 were prevented from doing so by the police, who at times beat would-be participants. Half of the leaders and workers were released on April 2; the rest were released by mid-April. On April 27, the Government prevented several thousand members of a radical Islamic political group, Tehrik-e-Nifaze-Shariat Muhammadi (Movement for the Observance of Islamic Law), from holding a rally calling for Shari'a to be applied in Malakand division. On May 1, the Government sealed all ARD offices and arrested 479 ARD activists in Karachi to prevent any ARD political activity that day. Local government officials refused a request by representatives of the HRCP to visit the party activists that were detained. All but 29 of the ARD activists were released by May 31; the remaining 29 were released after serving 30-day sentences. Several hundred SSP and Tehrik-e-Jafria members were arrested in August; most reportedly were released within a few days or a few weeks.

The Government detained several high-profile businessmen in connection with President Musharraf's anticorruption campaign in 2000; however, there were no such arrests during the year. In May 2000, armed gunmen seized Amin Lakhani, a leading Karachi businessman. Several days later, the NAB admitted that it authorized Lakhani's seizure. Lakhani was held without charge for several weeks and questioned about his financial affairs. In May 2000, Lakhani's brother, Sultan Lakhani, also was seized and was released after several weeks of captivity.

During the year, 29 journalists reportedly were arrested. The police arrested approximately 150 journalists during a peaceful protest in April 2000. After September 11, several journalists attempting to travel into Afghanistan reportedly were detained.

Persons occasionally are detained arbitrarily because of disputes with powerful or well-connected persons. According to one NGO, during the year, a man named Shafiq was detained by the Joharabad police on charges of stealing the dog of an influential member of the community. He later was released after the intervention of community elders. The NGO asserts that the actual reason for Shafiq's arrest was his refusal to sell land at the request of the influential person.

The Musharraf Government detained without warrants and without charges several dozen political figures, military officers, government administrators, and Sharif family members following the 1999 coup. Many of the officials who were arrested following the coup were held incommunicado. At year's end, all of them had been released. Former Advisor for Sindh Affairs Ghous Ali Shah was released on bail on August 20 but remained under investigation for corruption. Former Petroleum Minister Chaudhry Nisar Ali Khan was released on August 22 and Former Minister of Finance Ishaq Dar was released on August 28. However, Mehtab Abbasi and Javed Hashmi, two senior politicians allied with Nawaz Sharif, were detained by the NAB during the year and remained in custody at year's end.

Several key figures among those initially arrested without charge, including former Prime Minister Nawaz Sharif, were held in connection with the "hijacking" in October 1999 of the civilian airliner carrying General Musharraf back from a conference in Sri Lanka; Nawaz Sharif reportedly denied permission for the plane to land in Karachi. This event, along with Sharif's summary replacement of General Musharraf with the Director General of the Inter-Services Intelligence Directorate, led to the 1999 coup. In the weeks following Sharif's arrest, he was detained without charge and denied access to counsel and family members. A First Incident Report was filed on November 10, 1999, which charged Sharif with attempted murder, hijacking, and criminal conspiracy. Former Sharif advisor Ghous Ali Shah, former Pakistan International Airlines chairman Shahid Khaqan Abbasi, former Director of Civil Aviation Aminullah Chaudhary, and former Inspector General of Police Rana Maqbool were charged along with Sharif. The accused were to be tried before an antiterrorist court. In November 1999, three other individuals—former Punjab chief minister Shahbaz Sharif, former senator Saifur Rehman, and former secretary to the Prime Minister Saeed Mehdi—were named codefendants in the case. Following Anti-Terrorist Act charges, the formal filing of charges against Nawaz Sharif occurred in December 1999. Sharif was convicted and sentenced to life imprisonment in April 2000 (see Section 1.e.). His six codefendants were acquitted; however, Saifur Rehman and Saeed Mehdi still were in custody at year's end on a maintenance of public order charge. In December 2000, the Government commuted former Prime Minister Nawaz Sharif's prison sentence and exiled him and 18 of his family members to Saudi Arabia for 10 years. The Government confiscated assets belonging to the Sharif family. They also had to agree to withdraw from politics while in exile. Some observers claimed that the Government exiled Sharif in order to remove him from politics and to reduce the power and influence of the opposition.

Many persons apprehended by the NAB (see Section 1.e.) remained in detention past the ordinance's stipulated 90 days detention without charge. Siddiq ul-Farooq, a former press secretary to Nawaz Sharif, was arrested under the NAB in October 1999 and held without charge until May 2000; he was released from custody during the year. In April 2000, Mian Manzoor Wattoo, the former Punjab Chief Minister and head of his own PML faction, became the first senior politician to receive a jail term in a corruption case. In late 1999, MQM leader and former mayor of Karachi Dr. Farooq Sattar was arrested by order of the NAB, removed from his home, and held in an unfurnished cell. In July 2000, Sattar was convicted on a widely disputed corruption charge. Also in July 2000, former Prime Minister Nawaz Sharif was sentenced to 14 years' imprisonment and banned from holding political office on the basis of a corruption conviction. Most observers reported that Sharif's trial was fair; however, they believe the Government's decision to pursue the corruption case was politically motivated.

Hundreds of MQM activists and legislators (including former Sindh Minister of Labor Shoaib Bokhari) were arrested in 1998 and remained in custody at year's end; some of these activists are being held without charge. According to MQM officials, police have arrested more than 700 MQM officials during the past 3 years (see Section 1.c.). Some of these activists were released during the year. However, on April 19, the Government arrested MQM Senator Aftab Shaikh.

Women frequently are charged under the Hudood Ordinances for sexual misconduct, such as adultery. A Hudood law meant to deter false accusations is enforced weakly, and one human rights monitor claimed that 80 percent of adultery-related Hudood cases are filed without supporting evidence. In 1998 approximately one-third of the women in jails in Lahore, Peshawar, and Mardan were awaiting trial for adultery; that percentage likely remains accurate. Most women tried under the ordinance are acquitted, but the stigma of an adultery charge alone is severe. Men accused of rape sometimes are acquitted and released while their victims are held for adultery or fornication. The Commission of Inquiry for Women has recommended that the Hudood laws be repealed as they are based on an erroneous interpretation of Shari'a (see Section 5).

During 2000 authorities released from prison thousands of persons convicted of petty crimes who were being held despite the fact that their prison terms had expired. In January 2000, authorities released 12,000 prisoners convicted of petty crimes. In an October 2000 news report, a senior official in the Ministry of Interior stated that 47,000 persons who were jailed for minor offenses were released in 2000. The Punjab Department of Jails reportedly released 15,000 prisoners who were convicted of petty crimes in 2000. During the year, the Government released an undisclosed number of prisoners (estimated to be in the hundreds) to commemorate the Islamic holiday of Eid-ul-Azha.

Private jails exist in tribal and feudal areas. Human rights groups alleged that as many as 50 private jails, housing some 4,500 bonded laborers, were being main-

tained by landlords in lower Sindh (see Section 6.c.). Some prisoners reportedly have been held for many years. In the five districts of upper Sindh, landlords have defied the courts and police by holding tribal jirgas, which settle feuds, award fines, and even sentence persons to the death penalty in defiance of provincial laws. In January 2000, a newspaper reported that 56 landless agricultural workers escaped from a private jail in Sanghar district, Sindh. The landlord reportedly had forced them to work without wages for several years (see Section 6.c.). In March 2000, the Lahore High Court ordered the release of 24 brick kiln workers, including 10 women and children. According to press accounts, the laborers were kept in chains, were not compensated for their work, and were beaten frequently. Press reports indicate that there were similar numbers of bonded labors freed during the year.

e. Denial of Fair Public Trial.—The suspended Constitution provided for an independent judiciary; however, in practice, the judiciary remains subject to executive branch and other outside influences, and despite the Musharraf Government's pledge to respect the independence of the judicial system, it has taken steps to control the judiciary and to remove the Government from judicial oversight. Provisional Constitution Order Number 1, issued in October 1999, provided that all courts functioning at the time of the coup would continue to operate, but that no court would have the power to issue orders against General Musharraf or any person exercising powers or jurisdiction under his authority. The decree effectively removed the actions of the Musharraf Government from judicial oversight. President Musharraf further undermined the independence of the judiciary when he ordered that all Supreme Court, Shari'a Court, and Provincial High Court justices take an oath to uphold the PCO that brought the military into power. Low salaries, inadequate resources, heavy workloads, corruption, and intimidation by political and religious pressure groups contributed to judicial inefficiency, particularly in the lower courts.

In January 2000, days before the Supreme Court was due to begin hearings on the legitimacy of the 1999 coup, President Musharraf ordered all Supreme Court, Shari'a court, and provincial High Court justices to take an oath committing themselves to uphold the PCO, which suspended the Constitution and legislative bodies and prohibited the superior courts from making any decision against the Chief Executive "or any person exercising powers or jurisdiction under his authority." Six Supreme Court justices, including the Chief Justice, and nine provincial High Court justices resigned in protest; however, 85 percent of the affected justices agreed to swear allegiance to the PCO. As a result of this decree, government directives and ordinances under the PCO no longer are subject to judicial review. Some government officials claimed that President Musharraf issued this decree due to concerns that judges were being bribed to rule against the Government in the court challenges to the military takeover. Many persons criticized this requirement, stating that it effectively ended the role of the judiciary as an independent body.

The judicial process continued to be impeded by bureaucratic infighting, inactivity, and the overlapping jurisdictions of the different court systems. Heavy backlogs that severely delayed the application of justice remained, due to scores of unfilled judgeships and to archaic and inefficient court procedures. The politicized appointment process held up the promotion of many lower court judges to the High Courts. Although the higher level judiciary is considered competent and generally honest, there were widespread reports of corruption among lower level magistrates and minor court functionaries. Nonetheless, the new Supreme Court at times demonstrated a limited degree of independence. For example, in May 2000, in a unanimous decision, the Supreme Court upheld the legality of the coup on the grounds of state necessity; however, the court ordered the Musharraf Government to hold national elections no later than 90 days after October 12, 2002. The decision also affirmed the Supreme Court's continued right of judicial review, ruled that it was legal for the Musharraf Government to amend the Constitution as long as the amendments do not change the basic character of the Constitution, and reserved the right to review the military's performance, the continued necessity of the Emergency Proclamation, and the PCO. Many observers criticized the Supreme Court decision as vague and contradictory. The Government respected this ruling during the year. On August 14, the Government announced that national and provincial elections were to take place between October 1 and October 11, 2002 (see Sections 2.b. and 3). In April the Supreme Court also modified several provisions of the NAB ordinance, and the Government respected the amended provisions during the year. Despite these decisions, the overall credibility of the judiciary remained low.

The judicial system involves several court systems with overlapping and sometimes competing jurisdictions. There are civil and criminal systems with special courts for banking, antinarcotics, and antiterrorist cases, as well as the federal Shariat court for certain Hudood offenses. The appeals process in the civil system is: Civil court, district court, High Court, and the Supreme Court. In the criminal

system, the progression is magistrate, sessions court, High Court, and the Supreme Court.

The civil judicial system provides for an open trial, the presumption of innocence, cross-examination by an attorney, and appeal of sentences. Attorneys are appointed for indigents only in capital cases. There are no jury trials. Due to the limited number of judges, the heavy backlog of cases, lengthy court procedures, and political pressures, cases routinely take years, and defendants must make frequent court appearances. Cases start over when an attorney changes. Under both the Hudood and standard criminal codes, there are bailable and nonbailable offenses. According to the Criminal Procedures Code, the accused in bailable offenses must be granted bail, and those charged with nonbailable offenses should be granted bail if the alleged crime carries a sentence of less than 10 years. Many accused, especially well-connected persons who are made aware of impending warrants against them, are able to obtain prearrest bail, and thus are spared arrest and incarceration.

Double jeopardy applies to those convicted of possessing narcotics because of a federal Shariat court ruling that customs and narcotics cases be initiated separately. During the year, the Lahore High Court ordered the release of eight prisoners, including five foreign nationals, who had served their sentences under the Customs Act and were awaiting trial for a narcotics charge arising out of the same incident. The court noted that the law did not allow punishment twice for the same offense. A February 2000 ruling by the Lahore High Court forbidding a second trial was ignored by an April 2000 sessions court decision in Lahore, which sent the accused back to prison for the second time on the same narcotics conviction.

The judiciary has argued that it has failed to try and convict terrorist suspects in a timely manner because of poor police casework, prosecutorial negligence, and the resulting lack of evidence. In response to this problem, the Anti-Terrorist Act was passed; special antiterrorist courts began operations in 1997. The antiterrorist courts, designed for the speedy punishment of terrorist suspects, have special streamlined procedures; however, due to the continued intimidation of witnesses, police, and judges, the courts initially produced only a handful of convictions. Under the Act, terrorist killings are punishable by death and any act, including speech, intended to stir up religious hatred, is punishable by up to 7 years' rigorous imprisonment. Additional offenses that can be tried under the Anti-Terrorist Act include acts to outrage religious feelings; efforts to "wage war against the state;" conspiracy; acts committed in abetting an offense; and kidnaping of or abduction to confine a person. Cases are to be decided within 7 working days, but judges are free to extend the period of time as required. Trials in absentia initially were permitted, but later were prohibited. Appeals to an appellate tribunal also were required to take no more than 7 days, but appellate authority since has been restored to the High and Supreme Courts, under which these time limits do not apply. Under the Anti-Terrorist Act, bail is not to be granted if the court has reasonable grounds to believe that the accused is guilty. Many of the more controversial amendments to the Anti-Terrorist Act adopted under the Nawaz Sharif Government were not enforced during the year.

On June 20, the Musharraf Government approved an amendment to the Anti-Terrorist Act. The new ordinance defines terrorism as "the use or threat of action where the use, or threatened use, is designed to coerce and intimidate or overawe the Government or the public or a section of the public or community or sect or create a sense of fear or insecurity in society; and the use or threat is made for the purpose of advancing a political, religious, ideological, or ethnic cause."

Leading members of the judiciary, human rights groups, the press, and politicians from a number of parties expressed strong reservations about the antiterrorist courts, charging that they constitute a parallel judicial system and could be used as tools of political repression. Government officials and police believed that the deterrent effect of the Act's death penalty provisions contributed to the reduction in sectarian violence after its passage. The antiterrorist courts also are empowered to try persons accused of particularly "heinous" crimes, such as gang rape and child killings, and several persons have been tried, convicted, and executed under these provisions. In 1997 cases filed under Section 295 (a) of the Penal Code, one of the so-called blasphemy laws (see Section 2.c.), were transferred to the antiterrorist courts. Human rights advocates feared that if blasphemy cases were tried in the antiterrorist courts, alleged blasphemers, who in the past normally were granted bail or released for lack of evidence, likely would be convicted, given the less stringent rules of evidence required under the Anti-Terrorist Act.

The Musharraf Government created by ordinance a special antiterrorist court in Sindh presided over by a High Court justice rather than a lower level judge, as is usually the case. The amended provision permits the High Court justice to "transfer . . . any case pending before any other special court . . . and try the case" in his

court. Supporters of Nawaz Sharif maintained that these changes were designed to help the Musharraf Government prosecute Sharif. The trial of Nawaz Sharif and six codefendants on charges of hijacking was the most widely publicized case tried by an antiterrorist court. No cases tried by an antiterrorist court received similar publicity during the year. In April 2000, Sharif was found guilty of hijacking and terrorism and sentenced to two terms of life imprisonment (to be served consecutively), an unspecified fine, 5 years' rigorous imprisonment in lieu of nonpayment of the fine, forfeiture of all property, and a fine to compensate the 198 passengers and crew of the flight. The judge ruled that there was insufficient evidence to arraign Sharif on four offenses related to "waging war against the state" and criminal conspiracy; the charges were dropped. His six codefendants were found not guilty, and all six were released during the year.

Diplomatic observers who attended the Sharif trial concluded that the trial generally was fair, open, and transparent. The defendants were given free choice of and ready access to counsel. Diplomats and the media were granted free daily trial access and newspapers frequently reported on defense attorneys' criticism of President Musharraf and the army. Nawaz Sharif and his defense counsel expressed "full confidence" in the court. The prosecution appealed the codefendants' acquittals and Sharif's life sentences, arguing for the death penalty, and the defense appealed Sharif's conviction in the Sindh High Court in another trial that courtroom observers considered free and fair. In October 2000, the appeals court upheld Nawaz Sharif's convictions for hijacking and terrorism but combined them into one offense. The court also denied the prosecution appeal to upgrade Sharif's sentence to the death penalty, reduced the amount of property forfeiture, and affirmed the antiterrorism court's acquittals of the six codefendants.

The Musharraf Government in 1999 created by ordinance the National Accountability Bureau (NAB) and special accountability courts to try corruption cases. The NAB was created in part to deal with as much as \$4 billion (approximately PRs 208 billion) that is estimated to be owed to the country's banks (all of which are state-owned) by debtors, primarily from among the wealthy elite. The Musharraf Government stated that it would not target genuine business failures or small defaulters and does not appear to have done so. The NAB was given broad powers to prosecute corruption cases, and the accountability courts were expected to try such cases within 30 days. As originally promulgated, the ordinance prohibited courts from granting bail and gave the NAB chairman sole power to decide if and when to release detainees. In April the Supreme Court modified several provisions of the NAB ordinance. It reduced the NAB's freedom to hold suspects without charge from 90 days to 15 days, renewable with judicial concurrence. The maximum period of disqualification from political office pursuant to a corruption conviction was reduced from 21 years to 10 years, and the Court required that future appointments of key NAB officials receive the Chief Justice's concurrence.

The ordinance also allows those suspected by the State Bank of Pakistan of defaulting on government loans or of corrupt practices to be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, does not allow access to counsel. During 2000 many persons who were apprehended under the NAB ordinance remained in detention without charge for longer than 90 days (see Section 1.d.). In accountability cases, there is a presumption of guilt, and conviction under the ordinance can result in 14 years' imprisonment, fines, and confiscation of property. Those convicted also originally were disqualified from running for office or holding office for 10 years. In August 2000, the Government announced that persons with a court conviction would be barred from holding party office.

The Musharraf Government denied press reports that it had decided not to pursue accountability cases against active members of the military or the judiciary; however, no serving members of the military or the judiciary have been charged by the NAB. Nonetheless, in May former Chief of the Naval Staff Mansoor ul-Haq was charged with corruption under the NAB ordinance. In June 2000, the Government announced that NAB had arrested 132 persons to date; 82 persons were in detention, 53 of the 82 were held in judicial lockups, and 29 others were in the NAB's custody. During the year, Jehangir Badr, Chaudhary Pervez Elahi, Sheikh Rashid, Mehtab Abbasi, and Javed Hashmi were arrested by the NAB. A published list of persons charged with corruption by the NAB included former Prime Ministers Nawaz Sharif and Benazir Bhutto.

The Hudood ordinances criminalize nonmarital rape (see Section 5), extramarital sex (including adultery and fornication), and various gambling, alcohol, and property offenses. Offenses are distinguished according to punishment, with some offenses liable to Hadd, or Koranic, punishment (see Section 1.c.), and others to Tazir, or secular punishment. Although both types of cases are tried in ordinary criminal courts, special, more stringent rules of evidence apply in Hadd cases; Hadd punishments

are mandatory if there is enough evidence to support them. Hadd punishments regarding sexual offences are most severe for married Muslims; for example, if a married Muslim man confesses to rape or there are four adult male Muslim witnesses to the act, the accused must be stoned to death; if the accused rapist is not Muslim or married, if he confesses, or if the act is witnessed by four adult males (not all Muslim), the accused must be sentenced to 100 lashes with a whip, and such other punishment, including death, as the court may deem fit. The testimony of four female witnesses, or that of a rape victim alone, is insufficient to impose Hadd punishments. If the evidence falls short of Hadd criteria, then the accused may be sentenced to a lesser class of penalties (Tazir). Since it is difficult to obtain sufficient evidence to support the Hadd punishments, most rape cases are tried at the Tazir level, under which sentences may be imposed up to 25 years in prison and 30 lashes. No Hadd punishment ever has been applied in the more than 20 years that the Hudood ordinances have been in force. For Tazir punishments, there is no distinction between Muslim and non-Muslim offenders. Under Tazir the evidentiary requirement for financial or future obligations is for two male witnesses or one male and two female witnesses; in all other matters, the court may accept the testimony of one man or one woman (see Section 5).

The federal Shariat court and the Shari'a bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood ordinances. The federal Shariat court also may overturn any legislation judged to be inconsistent with the tenets of Islam. However, these cases may be appealed to the Shari'a bench of the Supreme Court. In two areas of the NWFP—Malakand and Kohistan—the Government in 1999 announced plans to implement Shari'a law by regulation and by ordinance, respectively. In September 1999, the NWFP assembly passed a bill that incorporated the Kohistan ordinance into law (see Section 2.c.). In May 2000, the governor of the NWFP reportedly affirmed to the media his plan to implement Shari'a in Malakand division. However, no information was given as to when the plan would enter into force. The Government made no effort to enforce its commitments during the year, despite renewed demonstrations advocating the implementation of Shari'a law in May.

Appeals of certain Hudood convictions involving penalties in excess of 2 years' imprisonment are referred exclusively to the Shariat courts and are heard jointly by Islamic scholars and High Court judges using ordinary criminal procedures. Judges and attorneys must be Muslim and must be familiar with Islamic law. Within these limits, defendants in a Shariat court are entitled to the lawyer of their choice. There is a system of bail.

The Penal Code incorporates the doctrines of Qisas (roughly, an eye for an eye) and Diyat (blood money). Qisas is not known to have been invoked; however, Diyat occasionally is applied, particularly in the NWFP, in place of judicial punishment of the wrongdoer. Only the family of the victim, not the State, may pardon the defendant. The Hudood, Qisas, and Diyat ordinances apply to ordinary criminal courts and Shariat courts. According to Christian activists, if a Muslim kills a non-Muslim, he can redress the crime by paying Diyat to the victim's family; however, a non-Muslim who kills a Muslim does not have the option of paying and must serve a jail sentence or face the death penalty for his crime. Failure to pay Diyat in noncapital cases can result in indefinitely extended incarceration, under Section 331 of the Diyat ordinance. Some persons remain in prison after completion of their terms for failure to pay Diyat.

Administration of justice in the FATA normally is the responsibility of tribal elders and maliks, or leaders. They may conduct hearings according to Islamic law and tribal custom. In such proceedings, the accused have no right to legal representation, bail, or appeal. The usual penalties consist of fines, even for murder. However, the Government's political agents, who are federal civil servants assigned to tribal agencies, oversee such proceedings and may impose prison terms of up to 14 years. Paramilitary forces under the direction of the political agents frequently conduct punitive actions during enforcement operations. For example, in raids on criminal activities, the authorities have damaged surrounding homes as extrajudicial punishment of residents for having tolerated nearby criminal activity (see Section 1.f.).

In remote areas outside the jurisdiction of federal political agents, tribal councils occasionally levy harsher, unsanctioned punishments, including flogging or death by shooting or stoning. On July 16, the HRCF reported the execution by tribal leaders of an Afghan man accused of murder. The tribesmen reportedly condemned the accused without due process and executed him by blindfolding him and shooting him in front of a crowd. The Government has made no efforts to investigate the incident, and is unlikely to do so.

Another related form of rough justice operating in the NWFP, particularly in the tribal areas, is the concept of Pakhtunwali, or the Pakhtun Tribal Code, in which revenge is an important element. Under this code, a man, his family, and his tribe are obligated to take revenge for wrongs—either real or perceived—to redeem their honor. More often than not, these disputes arise over women and land, and frequently result in violence (see Section 5).

Several senior officials in the judiciary participated in an Asian Development Bank-funded judicial reform program that began in April; the program was designed to improve the quality of the lower level judiciary. In December several local courts reported minor improvements due to the reforms, such as a faster rate of processing cases.

There are limited numbers of political prisoners; there probably were less than 50 political prisoners in custody at year's end. Sections of the Penal Code directly target members of the Ahmadi faith; according to Ahmadi sources, approximately 200 Ahmadis have been incarcerated under these provisions since their inception. Several minority religious groups argue that other sections of the Penal Code—particularly the related blasphemy laws—are used in a discriminatory fashion by local officials or private individuals to punish religious minorities. In April 2000, the Government announced its intention to require that deputy commissioners review all blasphemy cases prior to the filing of a FIR; however, the Government reversed this decision in May 2000 due to intense pressure from some Islamic groups (see Section 2.c.). The Government took no steps to amend the blasphemy laws during the year (see Section 2.c.).

Some political groups also argue that they are marked for arrest based on their political affiliation (see Section 1.d.). The MQM in particular has argued that the Government used antiterrorist court convictions in Sindh to silence its activists.

The Government permits visits to prisoners by human rights monitors, family members, and lawyers.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Government infringes on citizens' privacy rights. The Anti-Terrorist Act allowed police or military personnel acting as police to enter and to search homes and offices without search warrants, and to confiscate property or arms likely to be used in an alleged terrorist act (which is defined very broadly). This provision never was tested in the courts. While the Anti-Terrorist Act was suspended partially in 1998, the Government promulgated new antiterrorist ordinances in October 1998, April 1999, and in August. The purpose of the newest ordinance is to strengthen the power of the judiciary to prosecute terrorism cases. Under the ordinances, many blasphemy cases now are tried by antiterrorist courts. By law the police need a warrant to search a home, but not to search a person. Despite this law, police have entered homes without a warrant and sometimes stole valuables during searches. In the absence of a warrant, a policeman is subject to charges of criminal trespass. However, police seldom are punished for illegal entry.

The Government maintains several domestic intelligence services that monitor politicians, political activists, suspected terrorists, and suspected foreign intelligence agents. Credible reports indicate that the authorities routinely use wiretaps and intercept and open mail. In 1997 the Supreme Court directed the Government to seek its permission before carrying out wiretapping or eavesdropping operations; however, the judiciary's directive has been ignored widely. No action was taken during the year on the case of 12 government agencies accused of tapping and monitoring citizens' phone calls, which has been pending since 1996, and no additional action the case was expected.

Provincial governments sometimes forcibly moved landless laborers from their temporary camps. For example, in October 2000 local government officials forcibly moved 900 persons who had been freed from bonded labor from their temporary camps in Sikandarabad in Kotri district.

Civil marriages do not exist; marriages are performed and registered according to one's religion. Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved (see Section 2.c.).

While the Government generally does not interfere with the right to marry, the Government on occasion assists influential families to prevent marriages they oppose. For example, in July 1999, police in Mirpurkas District, Sindh, raided the home of Javed Dal, who had eloped with his cousin, and arrested his family members as hostages. His wife's father, Somar Dal, used his influence as a member of the Sindh National Front Executive Committee to instigate the arrests, which were carried out without warrants. The Government also fails to prosecute vigorously cases in which families punish members (generally women) for marrying or seeking

a divorce against the wishes of other family members. During the year, Kausar of Tala Gang, District Chakwal, and Tahira of Simly Dam, District Islamabad were attacked physically by their families, according to a local NGO. In June 2000, Mumlikat Bibi was killed in her parents' home in the village of Yar Hussain in the NWFP. Her father, who reportedly opposed Bibi's efforts to choose a spouse without parental consent, was accused of being the culprit (see Section 5); his trial was ongoing at year's end.

The Frontier Crimes Regulation, the separate legal system in the FATA, permits collective responsibility, and empowers the authorities to detain innocent members of the suspect's tribe, or blockade an entire village (see Section 1.d.). In past years, the Government demolished the homes of several alleged criminals, as well as the homes of those who reportedly tolerated nearby criminal activity. During the year, the authorities in several Federally Administered Tribal Areas reported that tribal councils ordered the demolition of up to a few dozen homes. In December 1999, a Shariat court established by the Tehrik-i-Tulaba, an extremist group in Orakzai Tribal Agency, fined six alleged accomplices to a killing, and burned down their homes as punishment.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The suspended Constitution provided for freedom of speech and of the press, and citizens generally are free to discuss public issues; however, some journalists practice a degree of self-censorship. The Musharraf Government did not attempt to exercise direct control over views expressed in the print media. Newspaper editorials and commentators increasingly are critical of the Government; however, direct criticism of the military and judiciary is rare. Following the September 11 terrorist attacks in the United States, the Ministry of Information directed the media to avoid direct criticism of the United States or of the Government's cooperation in combating terrorism. However, despite restrictions imposed on the electronic media, foreign journalists operating in the country were permitted to broadcast stories without obtaining prior clearance from the Ministry of Information (unlike in the past). Investigative journalism is rare; instead, the press acts freely to publish charges and countercharges by named and unnamed parties and individuals representing competing political and social interests. Both governmental and nongovernmental entities sometimes pay for favorable media coverage.

Prior to the 1999 coup, any person deemed to have damaged the Constitution, including the publication of statements against the spirit of the Constitution, could be prosecuted for treason. However, prosecutions under this provision were rare. The suspended Constitution also prohibited the ridicule of Islam, the armed forces, or the judiciary. The Penal Code mandates the death sentence for anyone defiling the name of the Prophet Mohammad, life imprisonment for desecrating the Koran, and up to 10 years in prison for insulting another's religious beliefs with the intent to outrage religious feelings (see Section 2.c.). The Anti-Terrorist Act stipulates imprisonment with rigorous labor for up to 7 years for using abusive or insulting words, or possessing or distributing written or recorded material, with the intent to stir up sectarian hatred. No warrant is required to seize such material.

In March 2000, police in Hyderabad registered criminal cases against Kulsoom Nawaz and 15 other PML leaders for making "provocative" speeches at a party convention held the previous day. No further action was taken on these cases during the year.

In August the Government amended the Anti-Terrorist Act to ban the extremist Lashkar-i-Jhangvi and the Sipah-e-Mohammad (see Sections 2.b. and 2.c.); the amendments also made any person who printed, published, or disseminated any material from these organizations subject to 6 months' imprisonment.

Publications and journalists can be charged under the blasphemy laws for insulting the religion of others or for directly or indirectly defiling the Prophet Mohammad or the Koran (see Section 2.c.).

Provincial and local governments occasionally arrested journalists and closed newspapers accused of printing offensive material, but this was not a widespread practice. On January 29, the Government closed the Frontier Post, an English-language daily based in Peshawar, and arrested five members of its staff after the Frontier Post published a letter to the editor that contained derogatory characterizations of the Prophet Mohammad. Most of the staff later were released on bail, and the paper was permitted to reopen after a period of several months. However, the paper's presses were burned by a mob on January 30, reportedly while the police stood by and did little to stop it. On June 4, local authorities in Abbotabad, NWFP, sealed the office and printing press of Mohasib, a local daily, and arrested the newspaper's resident editor, shift manager, and sub-editor under section 295(c), one of

the blasphemy laws. The authorities accused the newspaper of committing blasphemy by having published an article arguing that it is not compulsory in Islam for men to grow beards. Local government officials defied an order from the provincial government to release the newspaper employees stating that such a move would spark unrest. On October 6, all of those arrested were released and Mohasib was permitted to resume publication.

The State no longer publishes daily newspapers; however, the Ministry of Information controls and manages the country's primary wire service, the Associated Press of Pakistan (APP). The APP is both the Government's own news agency and the official carrier of international news to the local media. The few small privately owned wire services usually are circumspect in their coverage of sensitive domestic news and tend to follow a government line.

Privately owned newspapers freely discuss public policy and criticize the Government. They report remarks made by opposition politicians, and their editorials reflect a wide spectrum of views. Local police, political parties, ethnic, sectarian, and religious groups, militant student organizations, and occasionally commercial interests exert undue pressure on newspapers to carry their statements or press releases. Such pressure is a common feature of journalism; among extreme groups it can include physical violence, the sacking of offices, the intimidation or beating of journalists, and interference with the distribution of newspapers. In July the Bureau Chief of the Hyderabad newspaper *Ummat*, Abdul Hafeez Abid, was attacked and injured by armed assailants while leaving his office. On December 8, approximately 12 persons, 6 of whom carried guns, beat 2 members of the staff of *Ummat*; they also destroyed office equipment. The motive for these attacks remained unknown at year's end. A police investigation of the *Ummat* incidents was ongoing at year's end. At times landlords and their agents, who have become accustomed to terrorizing with impunity the ordinary citizens living on their lands, retaliate against journalists who report on their actions. Journalists working in remote areas can expect more difficulties from local authorities and influential individuals than their urban counterparts. However, violence against and intimidation of journalists is a nationwide problem.

The Government occasionally denies visas to journalists who are from India or are of Indian descent.

The broadcast media are mainly government monopolies directed by the Pakistan Broadcasting Corporation and Pakistan Television (PTV). Domestic news coverage and public affairs programming on these media are controlled closely by the Government and traditionally reflect its views. One private radio station, one television broadcaster, and a semi-private cable television station are licensed under special contractual arrangements with the Government. The semi-private television station, Shalimar Television Network (STN), occasionally has been closed due to disputes with the Ministry of Information and to financial difficulties. None of these stations is permitted to produce news and public affairs programming; the private television station rebroadcasts or simulcasts the regular PTV evening news. The Shalimar Television Network also rebroadcasts PTV news, in addition to current affairs programming from foreign broadcasters, such as the British Broadcasting Corporation. While the STN routinely censors those segments considered to be socially or sexually offensive, rarely, if ever, are foreign news stories censored for content. The Ministry of Information exercises some influence over broadcasting by restricting government advertising. It also monitors advertising on all broadcast media, editing or removing advertisements deemed morally objectionable.

In 1999 the Secretary for Information was quoted in the press as stating that additional private television and radio channels would soon be licensed, echoing a pledge made by President Musharraf. However, by year's end, no such licenses had been granted. Satellite dishes readily are available on the local market and are priced within reach of almost everyone with a television set—well into the lower-middle classes. South Asian satellite channels (usually India-based) have become important sources of news and popular entertainment.

The competitive nature of politics helps to ensure press freedom since the media often serve as a forum for political parties, commercial, religious, and various other interests to vie with and criticize each other publicly. Although the press rarely criticizes Islam as such, leaders of religious parties and movements are not exempt from public scrutiny and criticism. After September 11, several newspapers published letters to the editor that were critical of religious parties that continued to express support for the Taliban. Sufi Mohammad, the leader of a prominent political Islamic group, was criticized for his role in encouraging teenage boys to fight for the Taliban.

The press traditionally has avoided negative coverage of the armed forces, and the Office of Inter-Services Public Relations (ISPR) has held press coverage of military

matters under close restraint. Officially the ISPR closely controls and coordinates the release of military news and access to military sources. In the past, detailed public discussion of the military as an institution was hampered severely since any published discussion, let alone criticism, of the defense budget was proscribed by law. However, after the 1999 coup, journalists reported no attempts by the ISPR agencies to influence editorial content. In 1997 the code of silence was undermined to a limited degree when a National Assembly committee discussed defense appropriations and corruption in defense contracts in open session, thereby making possible (and legal) newspaper coverage of defense appropriations and corruption in defense contracts. Discussion of the defense budget continued during the year, especially in the English-language press. Personnel changes among senior army officers also were discussed widely in the press, and newspapers published calls for extending the accountability process to include former military officers. In May the press gave extensive coverage to the arrest of former Chief of the Naval Staff Mansoor ul-Haq on corruption charges. Although many journalists chose to exercise self-censorship regarding the military during the year, the Government permitted significant criticism of retired military officials. President Musharraf was the subject of intense and public criticism during the year.

Government leaks are not uncommon, but are managed carefully, and often are made to underpaid journalists who are on the unofficial payrolls of competing interests. Reports of intimidation, heavy-handed surveillance, and legal action to quiet the unduly curious or nondeferential reporter were common in the past, but these reports have declined significantly since the coup. However, during the year, 29 journalists were arrested. The Government has considerable leverage over the press through its substantial budget for advertising and public interest campaigns and its ability to enforce regulations. Human rights groups, journalists, and opposition figures accused the Government of attempting to silence journalists and public figures; however, there had been fewer such complaints since the coup. In July 2000, the Government ended its monopoly of newsprint supply and did not initiate new efforts to collect back taxes from selected newspapers. In August 2000, the Government announced a draft ordinance for freedom of information, which would require every government office to designate a freedom of information officer who would be responsible for providing replies to written applications within 21 days. However, the act excludes all classified documents and does not define what constitutes classified information. By year's end, this ordinance had not been enacted. In December 2000, the Government declassified the Hamoodur Rahman Commission Report, which criticizes the conduct of political and military leaders during the 1971 war with India.

On March 28, unknown assailants attacked a prominent journalist, Shakil Shaikh, while he was driving his car in Islamabad. Shaikh was detained for several hours, severely beaten, and then released. No one has claimed responsibility and police officials have yet to identify any suspects.

In early October, Abu Bakar Siddique, a freelance journalist reporting on the influx of Afghan refugees into the country, was detained by the Government without charge and remained incommunicado as of mid-October. The Government also reportedly prevented some foreign journalists from entering Afghan refugee camps for a brief period in late September and early October. According to press reports, in November two British journalists were expelled, allegedly for being involved in activities that defamed the country.

According to one NGO, journalist Hayat Ullah, who worked for the newspaper *Ausaf*, was warned by a Political Agent in the FATA not to publish any more stories that showed the weakness of the local administration, ordered to apologize, and ordered to submit future articles to the authorities for approval. In June Ullah began to report on local tribal clashes without official approval. On July 5, Ullah was threatened with arrest, and on July 24, he was notified that his arrest was imminent. Ullah reportedly went into hiding. An arrest warrant under the Frontier Crimes Regulation reportedly was made out against him. On July 26, a relative of Ullah's was arrested and told he would be released only after Ullah turned himself in. Ullah's relative was released after local protests against his detention.

Foreign books must pass government censors before being reprinted. Books and magazines may be imported freely, but likewise are subject to censorship for objectionable sexual or religious content. In September the Government censored an article in *Newsweek* magazine concerning the case of Dr. Younis Shaikh, who was arrested on blasphemy charges in October 2000 and sentenced to death in August (see Section 2.c.). However, the Government permitted the publication of the same article in a Pakistani magazine.

Dance performances, even classical performances, are subject to protest by certain religious groups. Obscene literature, a category broadly defined by the Government,

is subject to seizure. Dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality, are broadcast on television; however, some sensitive series have been canceled before being broadcast.

The Government generally respects academic freedom. The atmosphere of violence and intolerance fostered by student organizations, typically tied to political parties, continued to threaten academic freedom, despite the fact that a 1992 Supreme Court ruling prohibits student political organizations on campuses. On some university campuses, well-armed groups of students, primarily from radical religious organizations, have armed clashes with and intimidate other students, instructors, and administrators over issues such as language, syllabus contents, examination policies, grades, doctrines, and dress. These groups frequently facilitate cheating on examinations, interfere with the hiring of staff, control who is admitted to the universities, and sometimes also control the funds of the institutions. Such control generally is achieved through a combination of protest rallies, control of the campus media, and threats of mass violence. At Punjab University, the student wing of the political party Jaamat-i-Islami (a conservative Islamic group) has attempted to impose its self-defined code of conduct on teachers and students by threatening to foment unrest on campus if its demands are not met.

b. Freedom of Peaceful Assembly and Association.—The suspended Constitution provided for freedom “to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order;” however, while the Government until March 2000 generally permitted peaceful assembly, it later imposed significant restrictions on this right. Since 1984 Ahmadis have been prohibited from holding any conferences or gatherings (see Section 2.c.). Throughout the year, the Government occasionally interfered with large rallies, which were held by all political parties. In March 2000, the Musharraf Government enacted an ordinance banning all public political gatherings, processions, and strikes held outdoors. Government officials claimed that the ban was enacted as a safety measure for the visit of an official head of state; however, the ban remained in place at year’s end, although the Government stated in August that it would lift the ban 90 days before national elections which are to take place no later than October 12, 2002. During the year, the ban was enforced unevenly. Some groups circumvented the ban by meeting in private homes while using loudspeakers to carry the proceedings to supporters outdoors. The Government approved some public political gatherings, including a meeting in March of those Pakistan Muslim League members willing to reject publicly former Prime Minister Nawaz Sharif as their party leader. During the first half of April, the Government permitted a 3-day conference organized by the Deobandi Muslim political party Jamiat-Ulema-Islami (JUI). Several speakers at the conference made anti-Western political declarations. On September 14, the HRCP published a complaint on behalf of 150 teachers in Lahore who were charged by police with batons for holding a rally to protest their grievances against the Government.

District magistrates occasionally exercised their power under the Criminal Procedures Code to ban meetings of more than four persons where demonstrations seemed likely to result in violence. During the year, police made preventive arrests of political party organizers prior to announced demonstrations (see Section 1.d.). For example, between March 20 and 23, police arrested senior leaders and hundreds of workers of the Alliance to Restore Democracy to prevent them from attending a rally in Lahore scheduled for March 23 (Pakistan Day). They were released after being held for up to 1 month. On April 27, the Government prevented several thousand members of an Islamist group, Tehrik-e-Nifaz-e-Shariat Muhammadi from holding a rally calling for imposition of Shari’a law in Malakand division. Hundreds of party workers affiliated with the Alliance to Restore Democracy were arrested in Karachi in an attempt to prevent a political rally on May 1. Most were released after several days of detention.

The MQM has been harassed in its regular political activities, especially by the Sindh police. Police frequently arrested PML leaders and supporters in order to prevent planned demonstrations during the year; the HRCP noted that all public PML demonstrations in Karachi were prevented, except for meetings at the party’s headquarters (see Section 1.d.). On April 18, police arrested approximately 200 MQM and Jiye Sindh Qaumi Mahaz (JSQM, a Sindhi nationalist political party) members during a day of sometimes violent demonstrations (up to 30 vehicles reportedly were set on fire) to protest the interdiction of a peaceful rally on April 16.

In August 1999, the Sharif Government issued an ordinance related to the antiterrorist courts (see Section 1.e.). One section of the ordinance made “illegal strikes, go-slows, (or) lock outs” punishable by up to 7 years’ imprisonment and a fine. A wide spectrum of opposition groups opposed this measure, fearing that it

would be used to silence legitimate dissent. The antiterrorist courts did not invoke this ordinance during the year or in 2000.

Police sometimes used excessive force against demonstrators. On January 10, police used batons against members and sympathizers of the All Faiths Spiritual Movement during a protest against the blasphemy laws. Sixteen demonstrators were arrested. One protester later acknowledged that police initiated the crackdown only after issuing several verbal warnings ordering the protesters to disperse (see Section 1.c.).

The authorities sometimes prevented leaders of politico-religious parties from traveling to certain areas if they believed their presence would increase sectarian tensions or cause public violence (see Section 2.d.).

The suspended Constitution provided for freedom of association subject to restriction by government ordinance and law; however, the Government limited this right in practice. NGO's are required to register with the Government under the "Cooperative Societies and Companies" Ordinance of 1960. NGO's usually register through the Ministry of Social Welfare and must submit to a 6-month probationary period during which the Government tracks their activities. NGO's are required to submit a progress report after the completion of this period, and then they are registered formally. No prominent NGO reported problems with the Government over registrations during the year.

Beginning in midyear, the Government undertook a major effort to curb religious extremism. On August 14, the Musharraf Government banned two small extremist sectarian organizations, the Lashkar-i-Jhangvi and Sipah-e-Mohammad, which had committed acts of anti-Shi'a or anti-Sunni violence in the past (see Section 2.c.).

c. Freedom of Religion.—The suspended Constitution provided for freedom of religion, and stated that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the Government limits freedom of religion. The country is an Islamic republic in which approximately 95 percent of the population is Muslim. The majority of the population is Sunni Muslim, but an estimated 15 percent of the population is Shi'a. The suspended Constitution required that laws be consistent with Islam and imposed some elements of Koranic law on both Muslims and religious minorities. In July 2000, President Musharraf amended the PCO in order to incorporate the Islamic provisions of the suspended Constitution, which include the definition of "Muslim" and "non-Muslim" and procedures regarding Shariat courts. While there is no law establishing the Koranic death penalty for apostates (those who convert from Islam), social pressure against apostasy is so powerful that most such conversions take place in secret. Reprisals and threats of reprisals against suspected converts are common. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or to charge persons who commit them.

All citizens, regardless of their religious affiliation, are subject to certain provisions of Shari'a. In the Malakand division and the Kohistan district of the NWFP, ordinances require that "all cases, suits, inquiries, matters, and proceedings in the courts shall be decided in accordance with Shari'a." These ordinances define Shari'a as the injunctions found in both the Koran and the Sunna (tradition) of the Prophet Mohammed. Islamic law judges, with the assistance of the Ulema (Islamic scholars), under the general supervision of the Peshawar High Court, try all court cases in the Malakand Division and the Kohistan District. Elsewhere in the country, partial provisions of Shari'a apply. For example, police are authorized to arrest or fine Muslims who eat or smoke in public places during Ramadan.

The blasphemy laws refer to Sections 295, 296, 297, and 298 of the Penal Code and address offenses relating to religion. Section 295(a), a colonial-era provision, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. In 1991 this sentence was increased to 10 years. In 1982 Section 295(b) was added, which stipulated a sentence of life imprisonment for "whoever willfully defiles, damages, or desecrates a copy of the holy Koran." In 1986 during the martial law period, another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling "the sacred name of the Holy Prophet Mohammed." In 1991 a court ruled invalid the option of life imprisonment for this offense. Section 296 outlaws voluntary disturbances of religious assemblies and Section 297 outlaws trespassing on burial grounds. Section 298(a), another colonial-era provision, forbids the use of derogatory remarks about holy personages. Personal rivals and the authorities have used these blasphemy laws, especially Section 295(c), to threaten, punish, or intimidate Ahmadis, Christians, and even orthodox Muslims. No person has been executed by the State under any of these provisions; however, some persons have been sentenced to death, and religious extremists have killed persons accused under the provisions. The blasphemy laws

also have been used to “settle scores” unrelated to religious activity, such as intrafamily or property disputes.

Due to increasing local and international pressure to repeal or modify the blasphemy laws, President Musharraf announced a proposal in April 2000 to modify the administration of the laws so that complainants would have to register new blasphemy cases with the local deputy commissioners instead of with police officials. The goal of the proposed change was to reduce the number of persons who are accused wrongly under the laws; however, many religious minority representatives stated that this suggested administrative change would have done little to protect members of their communities from being charged under the blasphemy laws. Other observers believed that the changes could have led to a reduction in the overall number of cases filed under the blasphemy laws. Religious and sectarian groups mounted large-scale protests against the proposed change, and some religious leaders stated that if the laws were changed, even just procedurally, persons would be justified in killing blasphemers themselves. In May 2000, in response to increasing pressure and threats, Musharraf abandoned his proposed reforms to the blasphemy laws. In July 2000, the Government incorporated the Islamic provisions of the suspended Constitution into the Provisional Constitutional Order, including the clause declaring Ahmadis to be non-Muslims.

According to Ahmadi sources, four Ahmadis were charged under Section 295(b) and four Ahmadis were charged under Section 295(c) of the blasphemy laws during the year. For example, on April 29, four Ahmadis, including Abdul Majeed, president of the local Ahmadi community, were charged with blasphemy for constructing minarets and the Mihrab of an Ahmadi mosque. In October 2000, police arrested Nasir Ahmad of Rajanpur district under Section 295(b) for allegedly defiling a copy of the Koran. Ahmad remained in custody and his trial had not been concluded at year's end.

On January 11, seven Christian evangelists and their pastor were arrested for distributing religious literature and showing a film entitled “Who Is Jesus?” in a largely Christian neighborhood in Jacobabad. On April 1, police registered a blasphemy case against Pervez Masih, a Christian teacher in Sialkot District, Punjab. Masih, who owns a private school, was arrested under section 295(c) of the Penal Code and placed in Sialkot District jail where he remained at year's end. Christian leaders allege that the case was filed at the behest of Mohammad Ibrahim, a Sunni Muslim educator who owned a rival school in the same village. In May 2000, a lower court in Sialkot district, Punjab, sentenced two Christian brothers to 35 years' imprisonment each and fined them each \$1,500 (PRs 75,000). The brothers were convicted of desecrating the Koran and blaspheming the Prophet Mohammed; both cases were registered by an ice cream vendor who allegedly fought with the brothers after he asked them to use their own dishes, stating that his were reserved for Muslim customers. Lawyers for the brothers filed an appeal in the Lahore High Court that was to be heard in January; however, the hearing was rescheduled for February 2002 after the judge in the case retired. The two brothers remained in detention at year's end. On May 2, 2000, Augustine Ashiq Masih was charged with blaspheming the Prophet in Faisalabad. According to press reports, Masih converted to Islam, married a Muslim woman, and then converted back to Christianity, which angered local Muslims who brought the charges against him. Ayub Masih (detained since 1996) was convicted of blasphemy for making favorable comments about Salman Rushdie, the author of the controversial book, “The Satanic Verses,” and was sentenced to death in April 1998. Ayub's family and 13 other landless Christian families were forced from their village in 1996 following the charges, and he survived an attempt on his life in 1997, when he was shot at outside of the courtroom while on trial. The Lahore High Court upheld the conviction and death sentence during the year. At year's end, the case was on appeal to the Supreme Court.

Police also arrest Muslims under the blasphemy laws; government officials maintain that about two-thirds of the total blasphemy cases that have been brought to trial have affected Muslims. In October 2000, police arrested Dr. Younis Shaikh on blasphemy charges after he allegedly made remarks offensive to Islam and to the Prophet Mohammad during a lecture. He was denied bail, sentenced to death, and fined \$1,580 (PRs 100,000) by a sessions court on August 18. His case was under appeal at year's end. In August 2000, Abdul Hasnain Muhammad Yusuf Ali was given a death sentence and 35 years' imprisonment by a Lahore court after being convicted under Sections 295(a), 295(c), and 298 for defiling the name of the Prophet Muhammad. Some of Ali's supporters claim that he was being persecuted for his allegedly unorthodox Islamic beliefs. In August 2000 Abdul Hasnain Muhammad Yusuf Ali, a Sufi Muslim, was convicted of blasphemy under Sections 295(a) and 295(c) for defiling the name of the Prophet Muhammad. A Lahore court sentenced Ali to death. In February 2000, Muhammad Younis was sentenced to 13 months in

jail in Multan for uttering derogatory remarks about the companions of the Prophet Mohammad. In 1998 a Shi'a Muslim, Ghulam Akbar, was convicted of blasphemy for allegedly making derogatory remarks about the Prophet Mohammed in 1995. He was sentenced to death, the first time a Muslim had been sentenced to death for a violation of the blasphemy law. The case remained under appeal at year's end.

When blasphemy and other religious cases are brought to court, extremists often pack the courtroom and make public threats about the consequences of an acquittal. As a result, judges, magistrates, and even defense lawyers often continue trials indefinitely, and the accused is burdened with further legal costs and court appearances. The accused often are denied requests for bail on the grounds that their lives would be at risk from vigilantes if released. Many judges also try to pass such cases to other jurists; some judges reportedly have handed down guilty verdicts to protect themselves and their families from religious extremists. In June 2000, a prominent Christian-affiliated NGO that is active in defending those accused of violating the blasphemy laws received a series of death threats.

Beginning in midyear, the Government undertook a major effort to curb religious extremism and address the intimidation of religious minorities. On August 14, the Government banned two groups, the Shi'a Muslim-based Sipah-e-Mohammad Pakistan and the Sunni Muslim-based Lashkar-e-Jhangvi, that had claimed responsibility for acts of sectarian violence in the past. During the following week, the Government arrested several hundred activists belonging to two larger sectarian organizations, the Sipah-e-Sahaba Pakistan and the Tehrik-e-Jafria Pakistan. On August 20, the Sindh provincial government announced a ban on fundraising activities by certain militant religious groups. On August 22, the police raided more than 50 offices, mosques, and madrassahs in Karachi in connection with the ban. More than 250 persons were detained temporarily in the raids. By year's end, the Government had accelerated its crackdown against members of several extremist groups.

The suspended Constitution protects religious minorities from being taxed to support the majority religion; no one may be forced to pay taxes for the support of any religion other than his own. For example, Sunni Muslims are subject to the "zakat," a religious tax of 2.5 percent of their income; however, Shi'a Muslims and other religious minorities do not pay the "zakat."

Permission to buy land comes from one municipal bureaucracy, and permission to build a house of worship from another. For all religious groups, the process appears to be subject to bureaucratic delays and requests for bribes.

Separate categories exist for different religions in the administration of specific religious sites. Hindus and Sikhs, because of population shifts that occurred between India and Pakistan after partition, come under the auspices of the Evacuee Property Board, which is located in Lahore and is empowered to settle disputes regarding Hindu and Sikh property. However, Hindus and Sikhs also may settle such disputes in civil courts. Christian churches are free to take their disputes over religious property and management to the courts. Some minorities have expressed displeasure over government management of religious property. In Sindh Muslim mosques and shrines come under the purview of the Auqaf Administration Department, a branch of the provincial government devoted to the upkeep of shrines and mosques, facilities for pilgrims, and the resolution of disputes over possession of a religious site. In both Sindh and Baluchistan, the Government has provided funds for the upkeep and repair of the Hindu Gurumander temple in Karachi, and funded the repair of Hindu temples damaged by Muslim rioters protesting the destruction of the Babri mosque by Hindu mobs in Ayodhya, India, in 1992.

The Government designates religion on passports, and to get a passport citizens must declare whether they are Muslim or non-Muslim. Muslims also must affirm that they accept the unqualified finality of the prophethood of Mohammed and declare that Ahmadis are non-Muslims. In 1999 the Sharif Government removed colonial-era entries for "sect" from government job application forms to prevent discrimination in hiring. However, the faith of some, particularly Christians, often can be ascertained from their names.

"Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Students of other faiths are not required to study Islam but are not provided with parallel studies in their own religions. In practice many non-Muslim students are compelled by teachers to complete the Islamiyyat. An education policy announced by the Government in 1998 included provisions for increased mandatory Islamic instruction in public schools; however, the Musharraf Government has not pursued this policy.

The Ahmadis are subject to specific restrictions under law. A 1974 constitutional amendment declared Ahmadis to be a non-Muslim minority because, according to the Government, they do not accept Mohammed as the last prophet of Islam. However, Ahmadis regard themselves as Muslims and observe Islamic practices. In 1984

the Government inserted Section 298(c) into the Penal Code, prohibiting Ahmadis from calling themselves Muslim and banning them from using Islamic words, phrases, and greetings. The constitutionality of Section 298(c) was upheld in a split-decision Supreme Court case in 1996. The punishment for violation of this section is imprisonment for up to 3 years and a fine. Four Ahmadis were charged with violations of Section 298(c) during the year. The Government and anti-Ahmadi religious groups have used this provision extensively to harass Ahmadis. Ahmadis suffer from various restrictions of religious freedom and widespread societal discrimination, including violation of their places of worship, being barred from burial in Muslim graveyards, denial of freedom of religion, speech, and assembly, and restrictions on their press. Several Ahmadi mosques remained closed. Since 1984 Ahmadis have been prohibited from holding conferences or gatherings (see Section 2.b.). Ahmadis are prohibited from taking part in the Hajj (the annual Muslim pilgrimage to Mecca). Some popular newspapers publish anti-Ahmadi "conspiracy" stories, which contribute to anti-Ahmadi sentiments in society.

The Government distinguishes between Muslims and non-Muslims with regard to politics and political rights. Furthermore, according to the suspended Constitution, the President and the Prime Minister must be Muslim. The Prime Minister, federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims) must take an oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan" (see Section 3). In national and local elections, Muslims vote for Muslim candidates by geographic locality while non-Muslims must vote for at-large non-Muslim candidates. Legal provisions for minority reserved seats do not include the Senate and the Federal Cabinet. The Government began conducting a series of elections at the local level in December 2000 that was completed on August 14. The elections were held on the basis of separate electorates and entitled non-Muslims to vote only for minority candidates while Muslims were entitled to vote for Muslim council members in addition to reserved seats for Muslim women and agricultural laborers. Government officials claimed that this is an affirmative measure designed to guarantee minority representation. Opponents of separate electorates, including the majority of religious minority leaders, claimed that the system partially disenfranchises them by severing the relationship between Muslim elected officials and non-Muslim constituents. During the year, few non-Muslims were active in the country's mainstream political parties because of limitations on their ability to run for elective office under the separate electorates system. However, the NRB prepared electoral reforms during the year that include the elimination of the separate electorates system for religious minorities. At year's end, Ahmadi leaders continued to discourage Ahmadis from registering to vote, since they would be required to register as non-Muslims. Christian and Hindu minority leaders have conducted a partially successful boycott of the elections to protest the separate electorates structure. Christian Organizations for Social Action in Pakistan, a coalition of Christian NGO's who have pooled their resources to lobby for the restoration of joint electorates, petitioned President Musharraf in October 2000 requesting a dialog between the Government and minority leaders on the separate electorates controversy. The Government has not acknowledged receiving the petition.

Civil marriages do not exist; marriages are performed and registered according to one's religion. Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion, are considered dissolved. Children born to Jewish or Christian women who convert to Islam after marriage are considered illegitimate only if their husbands do not also convert, and if women in such cases do not separate from their husbands. Children of non-Muslim men who convert are not considered illegitimate.

In December 1999, the Supreme Court ruled that all forms of interest (riba) are un-Islamic and directed the Government to implement an interest-free banking and financial system by June. On June 14, the Shari'a Appellate Bench of the Supreme Court extended for 1 year the deadline for implementation of this judgment.

President Musharraf and members of his staff apparently consulted with religious minorities on some of his initial cabinet appointments. According to minority community members, the Government made efforts to seek minority input into decision-making and offered some religious minorities cabinet positions. Prior to December, when the President hosted a Christmas dinner and prominent Christian leaders were invited to take part in some televised debates on politics, religious minorities reported less interaction with the Government during the year and less responsiveness to their demands.

Discriminatory religious legislation has added to an atmosphere of religious intolerance, which has led to acts of violence directed against minority Muslim sects, as

well as against Christians, Hindus, and members of Muslim offshoot sects, such as Ahmadis and Zikris (see Section 5). The Government does not encourage sectarian violence; however, there were instances in which the Government failed to intervene in cases of societal violence directed at minority religious groups. The lack of an adequate government response contributed to an atmosphere of impunity for acts of violence and intimidation committed against religious minorities. Parties and groups with religious affiliations target minority groups.

The predominantly Ahmadi town and spiritual center of Chenab Nagar (formerly known as Rabwah) in Punjab often has been a site of violence against Ahmadis (see Section 5).

In December 1999, several hundred persons looted and burned property in Haveli Lakha, Okara district, Punjab, which belonged to Mohammad Nawaz, a local Ahmadi leader accused of planning to build an Ahmadi house of worship. A neighbor reportedly incited the incident by accusing Nawaz of building the house of worship after the two were involved in a property dispute. Nawaz, a doctor, reportedly intended to build a free clinic next to his home. The mob destroyed the clinic and looted and burned Nawaz's home. According to Ahmadi sources, the police arrived at the scene, but did nothing to stop the crowd. At year's end, neither the neighbor nor anyone in the crowd had been arrested or questioned in connection with the incident, and police took no steps to find or return any of Nawaz's property. However, Nawaz and his two sons were arrested and charged with blasphemy. Several days later, they were released on bail; the blasphemy case against them remained pending at year's end. Three other Ahmadis in Haveli Lakha also were charged with blasphemy in connection with the incident, even though they were not in town at the time; the case against them was dismissed for lack of evidence.

Sectarian violence and tensions continued to be a serious problem throughout the country (see Section 5). More than 300 persons died in incidents of sectarian violence in Punjab in the last 4 years, according to one credible newspaper report. Another newspaper reported that more than 2,000 persons have died in sectarian violence since 1981. Sectarian violence, which had decreased markedly after the October 1999 coup, rose steadily during the first 9 months of the year, but decreased again after September 11. On January 28, Sheikhul Hadih Maulana Inayatullah of Karachi was killed by six unidentified assailants who intercepted his van while he was traveling to his school, Jamia Farooqia, a Sunni Muslim seminary known for its strident anti-Shi'a Muslim teachings. Local commentators believe the killing to be the work of Sipah-e-Mohammad, a Shi'a Muslim extremist group. The killing may have been ordered to avenge the killing of Agha Sultani, an Iranian Shi'a teacher who was killed in Karachi by unknown assailants on January 20. Sectarian rioting in Hangu, a small city in the NWFP on March 1 resulted in at least 10 deaths. The Sunni Muslim extremist group Sipah-e-Sahaba Pakistan arranged prayer gatherings throughout the NWFP for SSP activist Haq Nawaz, who was executed on February 28, for the 1990 killing of the leader of the Iranian cultural center in Lahore. SSP activists reportedly left one of these gatherings and proceeded to Hangu's main shopping area where they shot and killed three Shi'a shopkeepers and one Sunni bystander, among others. On May 18, a vehicle carrying Saleem Qadri, the leader of the Sunni Tehrik Party, and seven others, was attacked by six men with automatic weapons. Qadri and the others had been on their way to Friday prayers in Karachi. The Sunni Tehrik Party is a mid-sized Sunni Muslim extremist organization with a reputation for committing bombings, shootings, and other acts of violence. Local commentators speculated that rival Sunni extremist groups including the JM and SSP may have ordered Qadri's killing. Leaders of the SSP have claimed that Shi'a extremists were responsible. On August 27, unknown assailants killed a Shi'a Muslim Deputy Superintendent of Police, Kausar Abbas Shah Gillani, in Bahawalpur, Punjab.

Antiterrorist courts also handed down convictions against several individuals accused of sectarian violence. In April 2000, an antiterrorist court in Rawalpindi sentenced 23 persons to life imprisonment for their role in leading a procession of persons that burned a Shi'a mosque in 1996. In July 2000, an antiterrorist court in Gujranwala convicted 2 men for reportedly killing a Shi'a senior police officer; however, the men later were released.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, the Government limits them in practice. The Government at times prevents political party leaders and religious leaders from traveling to certain parts of the country (see Section 2.b.). Travel to Israel is prohibited by law, but some citizens may visit Israel without penalty by not getting their passports stamped by the Government of Israel. Government employees and students must obtain "no objection" certificates before travelling abroad, although this requirement rarely is enforced against students.

Citizens regularly exercise the right to emigrate. However, an Exit Control List (ECL), which is made public but is revised constantly, is used to prevent the departure of wanted criminals and individuals under investigation for defaulting on loans, corruption, or other offenses. At the end of 1999, the HRCP estimated that there were more than 5,000 entries on the ECL, including 400 PML leaders, all 45 MQM legislators and their family members, 20 journalists, and as many as 3,000 alleged bank defaulters. Soon after it came to power, the Musharraf Government increased the use of the ECL, reportedly to prevent those suspected of loan defaults or corruption from leaving the country. The focus apparently was on potential loan defaulters as part of the Musharraf Government's emphasis on accountability. However, according to the Government, there were approximately 2,650 names on the ECL at year's end. No judicial action is required to add a name to the ECL; those named have the right to appeal to the Secretary of Interior and, if refused, to the Advocate General of the senior judiciary. In practice courts have directed the Government to lift restrictions on some politicians on the ECL. For example, Benazir Bhutto, former Prime Minister and leader of the PPP, was placed on the ECL and was prevented from leaving the country in December 1998. Bhutto was allowed to leave later that month following a court order to lift the travel restrictions against her.

The law does not provide for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, nor has the Government adopted domestic legislation concerning the treatment of refugees or the granting of asylum status. In December 1999, the office of the U.N. High Commissioner for Refugees (UNHCR) noted a change from the practice of granting "prima facie" status to all Afghans in the country; under the current policy, the Government treats all undocumented Afghans as aliens under the Foreigners Act, making them potentially subject to deportation. However, in practice the Government has allowed the vast majority of the Afghans who have entered the country to remain. The fear of large numbers of new refugees trying to enter the country coupled with absence of legalized asylum framework and the sharp economic competition with host communities led to a more restrictive admissions policy and a deterioration in protection for many refugees.

The Government generally cooperates with the UNHCR and other humanitarian organizations in assisting registered refugees. First asylum has been provided to refugees from Afghanistan since 1979, when several million Afghans fleeing occupation by forces of the former Soviet Union entered the country. During the year, the Government and the UNHCR agreed upon a system for the joint screening of a limited number of Afghan refugees at three refugee camps in the NWFP (New Jalozai, Nasir Bagh, and New Shamshatoo), under which individual refugee status determinations could be made using a more broad definition of "refugee" than that used in the 1951 Convention or its 1967 Protocol (which included persons fleeing generalized violence and conflict as well as those fleeing persecution). Persons found to have a valid claim were given temporary asylum. After September 11, this program was suspended and the Government stated that it would accept no new Afghan refugees. However, on November 3, President Musharraf announced that limited numbers of "vulnerable" Afghan refugees would be allowed to enter the country, including injured persons, unaccompanied minors, the elderly, and those from drought-affected areas of Afghanistan; adherence to this policy fluctuated through year's end. Refugees that do not fit into this category still are denied entry to the country. The Government refers to refugees who entered the country after September 11 as "externally displaced persons" and works with the UNHCR to provide services to them. The Government deported some persons without notifying UNHCR officials. However, the Government sometimes allowed the UNHCR to attempt to find solutions other than deportation for refugees, such as arranging for resettlement in a third country. The number of Afghans who entered the country after September 11 is difficult to estimate accurately, but it is believed that between 160,000 and 200,000 refugees entered the country through monitored border crossings in the NWFP and Baluchistan. There remain an estimated 1.5 million Afghan refugees in the country who have been granted first asylum, and live in refugee camps (mainly in the NWFP and Baluchistan). There also are an estimated 1.4 million unregistered Afghans in urban areas throughout the country, including in Peshawar, Quetta, Islamabad, Rawalpindi, and Lahore.

Many Afghan refugees continue to live and work in the country, and are self-supporting and live outside of refugee camps, usually in urban or semi-urban areas. This has resulted in some hostility among local communities whose residents resent the economic competition and believe that the refugees contribute to high crime rates. Conditions for refugees outside of the camps often are worse than for those in the camps. Refugees outside of the camps also face harassment by the police, es-

pecially in Peshawar, Islamabad, and Rawalpindi. Single women, female-headed households, and children who work on the streets face particular security problems.

Most refugee camps are well established, and living conditions resemble those in neighboring villages, even though most direct assistance to the camps ended in the early 1990's. Most recent arrivals have gone to urban areas like Peshawar or Quetta, but some have settled in the new Akora Khattak camp, the Shamshatoo camp, the New Shamshatoo camp, and the New Jalozai camp. Conditions for newly arrived Afghans generally are worse than conditions in the well-established camps. For example, sanitation, health care, shelter, and fresh water are continuing problems in the new camps. Some of the most recent arrivals still reside in makeshift tents. During the year, conditions in the New Jalozai camp were poor; early in the year, after new arrivals no longer were transferred to the New Shamshatoo camp from New Jalozai, severe overcrowding was a problem (at one point the camp housed approximately 60,000 persons). In November and December, the Government and the UNHCR opened several new camps to house the most recent arrivals from Afghanistan, to relieve overcrowding at New Jalozai, and to accommodate undocumented refugees from Quetta and Peshawar. These new camps were located near the Afghan border in the Federally Administered Tribal Areas, which posed some difficulties for access by the UNHCR and NGO's providing aid. By year's end, more than 100,000 refugees were housed in the new refugee camps. After the fall of the Taliban government, it is estimated that more than 46,000 Afghans returned to Afghanistan. Refugees in the 20-year-old Nasir Bagh camp faced eviction during the year because the owners of the land the camp was located on planned to proceed with the construction of a housing development. Some residents returned to Afghanistan voluntarily; others were relocated to other camps. The September deadline for the eviction passed without incident; by year's end, the Government had taken no action in connection with the eviction.

The Government occasionally harasses refugees and threatens them with deportation, and harassment and threats of deportation of Afghan refugees increased during the year. Officials in the NWFP reportedly rounded up male Afghans from markets or other areas where they congregated to find work. There were frequent reports of instances in which police demanded bribes from Afghans and threatened them with deportation if they did not pay. It is unknown how many Afghans may have been deported in this manner during the year. Complaints were made with the State and Frontier Regions Ministry, the Interior Ministry, and the NWFP provincial government that such summary deportations did not comply with the law. The refugee community expressed increasing fear of deportation, and cited this fear as the reason why more male family members remained at home, thus reducing family income. For example, authorities in Quetta detained a number of newly arrived Afghans, mostly non-Pashtun minorities, with plans to deport them. Local officials tricked one group of newly arrived refugee families into boarding a convoy of trucks that transported them to Afghanistan involuntarily by telling them that the trucks were going to take them to the New Shamshatoo refugee camp. The UNHCR protested this action and temporarily ceased to participate in the joint screening process. The UNHCR resumed the joint screening process after receiving assurances from the Government that it would not carry out further illegal deportations. According to AI, there was one report of the forced return of a person to a country where he feared persecution during 2000. Professor Mohammad Rahim Elhan, a prominent Afghan scholar who had accused the Government of interfering in the internal affairs of Afghanistan, was deported against his will to Afghanistan in June 2000. However, he subsequently was permitted to reenter the country.

The Government cooperated with the UNHCR to support voluntary repatriations to rural areas of Afghanistan considered to be safe. A number of families from the Nasir Bagh and Jalozai camps volunteered for and were assisted by the UNHCR in voluntary repatriation to Afghanistan during the year. The UNHCR estimated that approximately 35,000 Afghans voluntarily returned to Afghanistan to Pakistan between November 1 and year's end. In 1999 approximately 92,000 Afghans returned to their home country. Afghan refugees have limited access to legal protection and depend on the UNHCR and group leaders to resolve disputes among themselves and with the Government. In the past, police sometimes attempted to prevent Afghan nationals from entering cities, and there were reports that some have been forced back into refugee camps. During the year, there were reports that the Government closed some Afghan schools and cracked down on unlicensed medical practitioners that treat mostly Afghans.

Most able-bodied male refugees have found at least intermittent employment; however, they are not covered by local labor laws. NGO's and private entities provided women and girls with better education and health care than is available in

Afghanistan. However, Afghan women working for NGO's were targets for occasional harassment and violence by conservatives and Taliban sympathizers.

Several prominent Afghans also reportedly have been the targets of harassment and violence from Taliban supporters and conservatives in the refugee community. According to newspaper reports, at least 10 Afghans were killed during 2000, reportedly for their political views. In June 2000, unknown gunmen injured Mohammad Enam Wak at his home in Peshawar. Wak wrote a book calling for a federal system of government in Afghanistan. In July 2000, an Afghan leader, Haji Jan Mohammad, whose name reportedly appeared on a Taliban hit list, was killed by unknown assailants. Police investigations of these killings were perfunctory; there were no arrests or convictions in any case.

The resettlement of Biharis continued to be a contentious issue. The Biharis are Urdu speakers from the Indian state of Bihar who went to East Pakistan—now Bangladesh—at the time of partition in 1947. When Bangladesh became independent in 1971, the Biharis sought resettlement in Pakistan. However, approximately 250,000 Biharis remain in refugee camps in Bangladesh. While the Mohajir community—descendants of Muslims who immigrated to Pakistan from India after partition—supports their resettlement, the Sindhi community opposes it. In 1993 the Government flew 342 Biharis to the country and placed them in temporary housing in central Punjab. No further resettlement has occurred.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens continued to be denied the right to change their national and provincial governments peacefully, but participated in local government elections during the year that provided increased power to district mayors and councils. In October 1999, the elected civilian Government of former Prime Minister Mian Nawaz Sharif was overthrown in a bloodless coup led by Army Chief of Staff General Pervez Musharraf. In consultation with senior military commanders, General Musharraf designated himself Chief Executive. The Constitution and representative bodies, including the National Assembly, the Senate, and the provincial assemblies, were suspended indefinitely. The office of the President, which was mainly ceremonial, was retained. President Musharraf appointed an advisory National Security Council, which included both military and civilian advisers, a civilian cabinet, and new governors to all four provinces. The government bureaucracy continued to function; however, at all levels, the functioning of the Government after the coup was “monitored” by military commanders. On June 20, President Musharraf issued an amendment to the existing Provisional Constitutional Order that allowed him to become President and formally dissolved the National Assembly, the Senate, and the provincial assemblies. The same day, Musharraf was sworn in as President. Several newspapers stated that President Rafiq Tarar was forced to resign from office.

The Musharraf Government pledged to return the country to a democracy; however, President Musharraf stressed his priority first to build a strong economic and political foundation in order to avert another bout of “sham” democracy. President Musharraf pledged to abide by a May 2000 Supreme Court ruling that mandates that national elections be held no later than 90 days after October 12, 2002. Between December 31, 2000, and August 2, local elections were held in five phases on a nonparty basis. On August 14, Musharraf announced that national and provincial elections are scheduled to be held between October 1 and October 11, 2002. The Government subsequently confirmed that political parties are to be permitted to participate. However, President Musharraf announced on several occasions that he intends to remain President after the elections are held. The constitutional mechanism for doing so remained unclear at year's end. The Government established the National Reconstruction Bureau (NRB) to develop political reforms and a framework for elections. During the year, the NRB prepared electoral reforms that include the elimination of the separate electorates system for religious minorities (see Section 2.c.) and the tripling of National Assembly seats reserved for women. Although many persons welcomed these changes, the major political parties continued to call for national elections to be held immediately and for the return of exiled political leaders.

Citizens' right to change their government also was restricted by the executive's strong influence on the judiciary. In January 2000, President Musharraf ordered all of the justices in the country to swear to uphold his PCO, and not to make any decision against the Chief Executive or any person exercising powers or jurisdiction under his authority; as a result, government directives and ordinances under the PCO no longer are subject to judicial review (see Section 1.e.).

National elections for national and provincial assemblies last were held in February 1997. Election observers concluded that the elections generally were free and

fair. Nawaz Sharif's Pakistan Muslim League won a majority of seats and formed a government. Elections for local government bodies were held in Punjab in May 1998. Elections were held in Baluchistan in March 1999, and a chairman was named in August. Elections have not been held in the two other provinces, NWFP and Sindh, since 1993, when local governing bodies were dissolved by a caretaker government because of corruption charges. Local government elections were postponed indefinitely in the NWFP and Sindh. Sindh was under Governor's rule from November 1998 until the October 1999 coup. In October 1999, Musharraf suspended the local and provincial governments; the provinces are ruled by governors appointed by President Musharraf.

During the year, President Musharraf focused on the need to reduce the power of the central Government by devolving power to the local level. Between December 31, 2000, and August 14, elections for local government assemblies were held in the country's 97 districts. Directly elected union councilors formed an electoral college to elect a district mayor (nazim) and members of district council. According to local and international election observers, the elections generally were free and fair. However, the Government was accused by some political parties of intervening in several mayoral races to ensure that the pro-Musharraf candidates were elected. Such government pressure was most evident in Lahore and Rawalpindi. For example, Sarfaz Abbas Khan, the Federal Minister for Refugee Affairs, was accused of purchasing votes to influence one district nazim election in the NWFP; however, the candidate he supported did not win. There were no complaints that pressure and vote buying changed the outcome of the elections. Religious minority leaders called for a boycott of the polls to protest the retention of separate electorates, and the boycott partially was successful. In February the Government modified laws governing local elections to permit minorities to vote for district and township mayoral positions on a joint-electoral basis. Critics of the plan claimed that the Government hopes to use local elections to dissipate pressure for a return to democracy at the national level. According to Human Rights Watch, in July the Government barred 25 candidates from the Jammu and Kashmir Liberation Front (JKLF) from running in assembly elections in the Pakistan-held part of the disputed territory after they refused to sign declarations pledging support for the accession of Kashmir to Pakistan. Several dozen persons who supported JKLF reportedly were arrested during protests over elections. In June 2000, the Government announced a number of measures designed to make the electoral commission independent of government control, including granting the commission full financial autonomy; however, the commission does not appear to be more autonomous than previously.

The Musharraf Government did not ban political parties, and the parties active prior to the coup, including the Pakistan Muslim League (which was led by former Prime Minister Nawaz Sharif) continued their activities. The Government has confirmed that political parties are to be permitted to participate in the 2002 elections. However, the Government arrested hundreds of persons in opposition political parties during the year (see Sections 1.d. and 2.b.), in some cases to prevent them from attending political gatherings. In January five members of the pro-Nawaz Sharif faction of the Pakistan Muslim League claimed to have been detained by the Government for between 12 and 36 hours. They accused the Government of preventing them from attending an important meeting of their party's leadership. On January 31, police in Lahore arrested 29 female activists from the Pakistan Peoples Party, along with 6 children accompanying them. The children were released quickly, but the protesters were held for over 1 week with ordinary criminals before their release. Between March 20 and 23, police detained 253 senior leaders and workers of the Alliance to Restore Democracy (ARD) to prevent them from attending an opposition rally in Lahore scheduled for March 23 (Pakistan Day). They were released after being held for up to 1 month. On May 1, the Government sealed all ARD offices and arrested 479 ARD activists in Karachi to prevent any ARD political activity that day. All but 29 of the ARD activists were released by May 31; the remaining 29 were released after serving 30-day sentences. In March 2000, President Musharraf issued an ordinance banning all political gatherings held outdoors (see Section 2.b.). The ban remained in effect at year's end. The National Accountability Ordinance prohibits those convicted of corruption under the NAB from holding political office for 10 years (see Section 1.d.). In August 2000, the Government amended the Political Parties Act to disqualify automatically anyone with a court conviction from holding party office. Legal observers expressed concern over the concentration of power in the NAB, the fact that NAB chairmen have all been members of the military, and the presumption of guilt in accountability cases.

Because of a longstanding territorial dispute with India, the political status of the northern areas—Hunza, Gilgit, and Baltistan—is not resolved. As a result, more than 1 million inhabitants of the northern areas were not covered under the sus-

pendent Constitution and have had no representation in the federal legislature. An appointed civil servant administers these areas; an elected Northern Areas Council serves only in an advisory capacity and has no authority to change laws or to raise and spend revenue. In May 1999, the Supreme Court directed the Government to act within 6 months to give the northern areas an elected government with an independent judiciary. In November 1999, the Musharraf Government permitted previously scheduled elections to take place in the northern areas; independents and candidates from the PML, the PPP, and the Tehrik-e-Jafria Pakistan won seats.

The right of citizens to change their government also has been restricted at the provincial level by the Government's failure to release the 1998 census figures and by the likely underestimation of the population of Sindh. Held after a delay of 7 years, the national census was postponed repeatedly due to pressure from ethnic groups and provincial officials who feared diminished representation and access to federal funds. The 9.26 million census figure for Karachi, revised to 9.8 million in a February 2000 report, is estimated to be 3 to 5 million short of the actual figure.

The percentage of women in government and politics does not correspond to their percentage of the population. Six women held seats in the suspended 217-member National Assembly, up from 4 seats in the previous Parliament. Thirty-five women, more than ever before, campaigned for seats in the 1997 national elections. The Parliamentary Commission on the Status of Women in Pakistan recommended reserving one-third of seats in all elected bodies for women. The Musharraf Government set aside one-third of the seats in the local council elections for female candidates. During the year, the NRB prepared electoral reforms that include the tripling of National Assembly seats reserved for women. According to the Election Commission, 2,621 women competed for 1,867 reserved seats at the district level, less than two candidates for every seat. In some districts, social and religious conservatives prevented women from becoming candidates; however, in several districts, female candidates were elected unopposed. Women participate in large numbers in elections, although some are dissuaded from voting by family, religious, and social customs. In two districts of the NWFP, conservative religious leaders lobbied successfully to prevent women from contesting elections or casting ballots. According to Human Rights Watch, female voters were threatened and intimidated from voting and running for office by conservative religious activists prior to the March 21 and July 2 local elections in parts of the NWFP. President Musharraf appointed a woman to his National Security Council and three women to his Cabinet. Provincial governors appointed by President Musharraf also have named women to serve in provincial cabinets.

The percentage of religious minorities in government and politics does not correspond to their percentage of the population. The Government distinguishes between Muslims and non-Muslims with regard to politics and political rights (see Section 2.c.). Furthermore, according to the suspended Constitution, the President and the Prime Minister must be Muslim. The Prime Minister, federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims) must take an oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan." Under the electoral system, minorities vote for reserved at-large seats, not for nonminority candidates who represent actual constituencies. The Musharraf Government had abandoned a plan to abolish the separate electorate system due to pressure by some Muslim political groups, but during the year prepared electoral reforms that included the elimination of the separate electorates system for religious minorities. With separate electorates, representatives have little incentive to promote their minority constituents' interests. Many Christian activists state that separate electorates are the greatest obstacle to the attainment of Christian religious and civil liberties. Ahmadi leaders encourage their followers not to register as "non-Muslims," so most Ahmadis are unrepresented completely. In the National Assembly, Christians hold four reserved seats; Hindus and members of scheduled castes another four; Ahmadis one; and Sikhs, Buddhists, Parsis, and other non-Muslims one. Each of the four categories is maintained on a separate electorate roll, and minorities cannot cast votes for the Muslim constituency seats. Under Article 106 of the suspended Constitution, minorities also had reserved seats in the provincial assemblies. The 1997 general election report stated that each Christian National Assembly member represents 327,606 persons; each Hindu and scheduled castes member, 319,029; the Sikh, Buddhist, Parsi, and other non-Muslim member, 112,801; and the Ahmadi member 104,244. These figures significantly understated the population of most of the minority groups because they are based on 1981 census figures. According to a local magazine, there are approximately 3 million Christians, 2.7 million Hindus, and several hundred thousand Ahmadis in the country. The Government disputed these figures;

however, by year's end, the 1998 census figures for religious minorities had not been published.

The percentage of tribal persons in government and politics does not correspond to their percentage of the population. The 1997 elections for the eight National Assembly members from the FATA, for the first time, were conducted on the basis of universal adult franchise. Prior to 1997, in keeping with local traditions, tribal leaders, or maliks, appointed in the governor's name by the central Government's political agents in each agency, elected the FATA National Assembly members. In accordance with the Government's general ban on political party activities in the FATA, candidates were not allowed to register by political party, and political party rallies were not allowed. However, several political parties did campaign covertly. Tribal members, including large numbers of women in some areas, registered to vote despite campaigns by some tribes against their participation. However, on election day far fewer registered women than registered men actually voted.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases; however, they are required to be licensed. Government officials generally are cooperative and responsive to their views. Human rights groups report that they generally have good access to police stations and prisons. The Government has provided protection to human rights lawyers defending accused blasphemers following threats and attacks on the lawyers by religious extremists. One Christian human rights organization complained in January and in April of harassing visits and telephone calls by government officials after it hosted a dinner for two members of the U.S. Commission on International Religious Freedom in December 2000. The government officials, who presented identification, made repeated requests for information about the NGO's contacts with foreign individuals and organizations. In early June, the Human Rights Commission of Pakistan called on the Government to end the harassment of HRCPC employees by lower level functionaries. The HRCPC also accused Government officials of launching tax investigations against HRCPC employees who had been critical of Government policies.

The Musharraf Government made some attempts to ease some of the previous government's restrictions on NGO's. President Musharraf appointed several persons with prominent NGO backgrounds to his Cabinet, and many NGO workers reported a smooth working relationship with the Government during the year. The new government in Punjab under President Musharraf also lifted the previous ban on NGO registration (see Section 2.b.).

International human rights observers were permitted to visit the country and travel freely. Several international organizations, many focused on refugee relief, maintained permanent offices in the country, although some reported difficulty in securing visas for their foreign staff.

The Ministry of Human Rights, established in 1995, is a department within the Ministry of Law, Justice, Human Rights, and Parliamentary Affairs. Some 125 employees staff the department, which is headquartered in Islamabad and has four regional offices. The department set up a "fund for women in distress and detention" and a "relief and revolving fund" for victims of human rights violations. Because of its limited budget, the department operated primarily on a case-by-case basis but sought help from donor agencies for projects to build institutional capacity and human rights awareness. The department finalized and began limited implementation of a reform program for jails in 2000, and during the year, it increased its capacity to collect and catalog reports of human rights abuses. However, the department is not viewed as effective by human rights observers. The Government has failed to take follow-up action on the 1997 report of the Commission of Inquiry for Women.

In April 2000, the Government organized a conference on human rights and pledged to take "small but meaningful steps" including: An 8-month public relations campaign on human rights themes; requiring deputy commissioners to move female burn victims to hospitals; banning the use of fetters in prisons and jails (see Section 1.c.); ordering deputy commissioners to review all blasphemy cases prior to the filing of a FIR; creating a commission for police reforms; releasing 20,000 prisoners from jail; calling for a Commission on the Status of Women; and changing the law so that women married to foreign husbands can claim citizenship for their children. The Government subsequently took no apparent steps to organize the public relations campaign and backtracked on having deputy commissioners review blasphemy cases (see Section 2.c.). However, the Government made some limited progress towards achieving the other goals. The Lahore High Court ordered local jail authorities to

remove all fetters (see Section 1.c.); in 2000 the Government reportedly released 47,000 prisoners who were convicted of petty crimes and who already had served their prison terms; the Government inaugurated a National Commission on the Status of Women in September 2000; and in late April President Tarar issued an amendment ordinance to the citizenship law to enable women married to foreigners to claim citizenship for their children (see Section 5).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The suspended Constitution provided for equality before the law for all citizens and broadly prohibited discrimination based on race, religion, caste, residence, or place of birth; however, in practice there is significant discrimination based on these factors.

Women.—Domestic violence is a widespread and serious problem. Human rights groups estimate that anywhere from 70 to 90 percent of women are victims of domestic violence at the hands of their husbands, in-laws, or other relatives. The Progressive Women's Organization (PWO) reported in 1999 that one out of every two women is the victim of mental or physical violence. The Parliamentary Commission of Inquiry for Women reported that violence against women "has been described as the most pervasive violation of human rights" in the country, and it called for legislation clearly stating that domestic violence against women is a criminal offense. Husbands are known to kill their wives even for trivial offenses. In 1999 the Pakistan Peace Coalition surveyed 1,000 women in 10 communities in rural Punjab; 82 percent of the respondents reported that they feared violence from their husbands over trivial matters. While abusers may be charged with assault, cases rarely are filed. Police usually return battered women to their abusive family members. Women are reluctant to file charges because of societal mores that stigmatize divorce and make women economically and psychologically dependent on their relatives. Relatives also are reluctant to report abuse to protect the reputation of the family. There are no specific laws pertaining to domestic violence, except for the Qisas and Diyat ordinances (see Section 1.e.), which rarely are invoked and may privatize the crime. However, Qisas and Diyat cannot be invoked where the victim is a direct lineal descendant of the perpetrator. Police and judges tend to see domestic violence as a family problem, and are reluctant to take action in such cases. Thus it is difficult for women to obtain relief from the justice system in cases of domestic violence.

The Shirkat Gah Women's Resource Center in Karachi published a report in 1999 that summarized reports in the English language press about violence against women between 1993 and 1998. Even though it limited itself to reports of violence by close male relatives, Shirkat Gah documented 535 women who were killed or who committed suicide during the period; 95 of these women were killed or committed suicide after they expressed interest in marrying a man of their own choice.

During the year, the press reported on hundreds of incidents of violence against women and drew attention to the killings of married women by relatives over dowry or other family-related disputes. Most of the victims were burned to death, allegedly in kitchen stove accidents; some women reportedly were burned with acid. During the year, 471 dowry deaths were reported, but according to one NGO, only 60 to 70 percent of such cases are reported. During 2000 593 burn cases were recorded in Lahore newspapers; cases were registered in 74 percent of these incidents but suspects were arrested in only 10 percent of the cases. Human rights monitors assert that many cases are not reported by hospitals and that, even when they are, the police are reluctant to investigate or file charges. Furthermore, human rights monitors agree that most "stove deaths" in fact are killings based upon a suspicion of illicit sexual relationship or upon dowry demands. Increased media coverage of cases of wife burnings, spousal abuse, spousal killing, and rape has helped to raise awareness about violence against women. By year's end, there was no progress in the 1998 case of Shahnaz, who died after her husband poured gasoline on her and set her on fire. The police registered a case against her husband and three in-laws. As of September 30, the husband and in-laws remained in custody after the court rejected their appeal for bail. Two new cases that were reported by an NGO during the year involved the deaths of Kausar of Tala Gang, District Chakwal, and Tahira of Simly Dam, District Islamabad.

A crisis center for women in distress was opened in 1988 by the Progress Women's Association (PWA) in Rawalpindi. After several years of lobbying the Government, in 1997 the Government opened a center in Islamabad with the assistance of the PWA and other local NGO's. The center offers legal and medical referrals from volunteer doctors and lawyers, counseling from trained psychologists, and a hotline for

women in distress. During 2000 the crisis center served 75 women. A second crisis center in Vehari, in southern Punjab, opened in 1998.

Rape is a pervasive problem. The HRCP estimates that at least eight women, five of them minors, are raped every day, and more than two-thirds of those are gang-raped. The law provides for the death penalty for persons convicted of gang rape. No executions have been carried out under this law and conviction rates remain low because rape, and gang rape in particular, commonly is used by landlords and criminal bosses to humiliate and terrorize local residents. It is estimated that less than one-third of all rapes are reported to the police. Police rarely respond to and sometimes are implicated in these attacks (see Section 1.c.).

According to a police official, in most rape cases the victims are pressured to drop charges because of the threat of Hudood adultery or fornication charges against them if they cannot prove the absence of consent. All consensual extramarital sexual relations are considered violations of the Hudood Ordinances, and carry Hadd (Koranic) or Tazir (secular) punishments (see Section 1.e.). Accordingly, if a woman cannot prove the absence of consent, there is a risk that she may be charged with a violation of the Hudood ordinances for fornication or adultery. The Hadd—or maximum punishment for this offense—is public flogging or stoning; however, for Hadd punishments to apply, especially stringent rules of evidence are followed. Hadd punishments are mandatory if evidentiary requirements are met; for sexual offenses, four adult male Muslims must witness the act or the alleged perpetrator must confess. For non-Muslims or in cases where all of the 4 male witnesses are not Muslim, the punishment is less severe. The testimony of four female witnesses, or that of the victim alone, is insufficient to impose Hadd punishments; therefore, even if a man rapes a woman in the presence of several women, he cannot be subjected to the Hadd punishment. If Hadd punishment requirements are not met, the accused may be sentenced to a lesser class of penalties (Tazir); in practice most rape cases are tried at this level. Under Tazir a rapist may be sentenced to up to 25 years in prison and 30 lashes. No Hadd punishment has been applied in the more than 20 years that the Hudood ordinances have been in force. For Tazir punishments, there is no distinction between Muslim and non-Muslim offenders.

In 1998 approximately one-third of the women in jails in Lahore, Peshawar, and Mardan were awaiting trial for adultery; that percentage likely remains accurate. According to an HRCP lawyer, the Musharraf Government has brought fewer charges against women under the Hudood Ordinance than were brought in the past, and the courts have shown greater leniency toward women in their sentences and in the granting of bail. On August 1, a government official stated that the majority of women in prison were there on murder charges, and asserted that the number of cases filed under the Hudood Ordinances was exaggerated. In cases where a woman wishes to bring rape charges, she will have trouble bringing her attacker to justice. According to AI, men accused of rape sometimes are acquitted and released, while their victims are held on adultery charges.

According to Human Rights Watch, women face difficulty at every level of the judicial system in bringing rape cases. Police are reluctant to take the complaint and sometimes are abusive toward the victim; the courts do not have consistent standards of proof as to what constitutes rape and what corroboration is required; and judges, police, and prosecutors are biased against female rape victims, tending toward a presumption of female consent and the belief that women lie about such things. Judges on the whole reportedly are reluctant to convict; however, if there is some evidence, judges have been known to convict the accused of the lesser offense of adultery or fornication (consensual sex). Human Rights Watch also reported that women face problems in the collection of evidence; that the doctors tasked to examine rape victims often believe that the victims are lying; that they are trained insufficiently and have inadequate facilities for the collection of forensic evidence pertaining to rape; that they do not testify very effectively in court; and that they tend to focus on the virginity status of the victim, and, due either to an inadequate understanding of the need for prompt medical evaluations or to inadequate resources, often delay the medical examinations for many days or even weeks, making any evidence that they collect of dubious utility. Medical examiners and police personnel sometimes are abusive physically or verbally during these exams, especially in cases where a woman is charged with adultery or fornication (for which an exam may be requested) and does not wish to be examined (such women, despite the fact that by law they should not be examined without their consent, have been examined, and even have been beaten for their refusal to be examined). Police and doctors often do not know that a woman must consent to this type of exam before it can be performed, and judges may not inform women of their right to decline. If they report rape to the police, women's cases often are delayed or mishandled, and women frequently are harassed by police or the alleged perpetrators to drop the

case. Police sometimes accept bribes from the accused rapist to get the victim to drop a case; however, in other cases, police will request bribes from the victim to pursue the case against the accused rapist. Police tend to investigate the cases poorly, and may not inform women of the need for a medical exam or may stall or block women's attempts to obtain one.

The Parliamentary Commission of Inquiry for Women criticized Hudood Ordinances relating to extramarital sex and recommended that they be repealed asserting that they are based on an erroneous interpretation of Shari'a. The Commission charged that the laws on adultery and rape have been subject to widespread misuse, with 95 percent of the women accused of adultery being found innocent either in the court of first instance or on appeal. However, the Commission pointed out that, by that time, the woman may have spent months in jail, suffered sexual abuse at the hands of the police, and seen her reputation destroyed. According to one human rights monitor, 80 percent of adultery related Hudood cases are filed without supporting evidence. The Commission found that the main victims of the Hudood Ordinances are poor women who are unable to defend themselves against slanderous charges. These ordinances also have been used by husbands and other male family members to punish their wives and female relatives for reasons having nothing to do with sexual propriety, according to the Commission. One NGO run by a prominent human rights activist reported that 262 women were on trial for adultery in Lahore as of May. An additional 33 were awaiting trial and 26 had been convicted under the Hudood Ordinances. At the end of 2000, 511 women were awaiting trial for adultery under the Hudood Ordinance in Lahore; 400 in Peshawar; and 300 in Mardan.

Marital rape is not a crime. The Hudood Ordinances abolished punishment for raping one's wife. However, the Commission of Inquiry for women has recommended reinstating penalties for marital rape. Marriage registration (nikah) sometimes occurs years before a marriage is consummated (rukhsati). The nikah (unconsummated) marriage is regarded as a formal marital relationship, and thus a woman or girl cannot be raped by a man to whom her marriage is registered, even if the marriage has not yet been entered into formally. Maulvi Qari Mohammad Sharif, a cleric, was granted bail and pardoned by President Rafiq Tarar in late December 2000. Sharif had been convicted of marital rape and mutilating his wife in a highly publicized case in 1994. Sentenced to 30 years imprisonment, the punishment was reduced on appeal to 10 years before he was released. Government officials declined to comment on the rationale for Sharif's pardon.

There are numerous reports of women killed or mutilated by male relatives who suspect them of adultery. Few such cases are investigated seriously and those who are arrested often are acquitted on the grounds that they were "provoked," or for a lack of witnesses. While the tradition of killing those suspected of illicit sexual relations in so-called "honor killings," in order to restore tribal or family honor, applies equally to offending men and women, women are far more likely to be killed than men. The PWO estimated that as many as 300 women are killed each year by their husbands or family, mostly as a result of "honor killings," known as "karo/kari" (or adulterer/adulteress) in Sindh. More than 800 women were killed by family members in so-called "honor killings" during the year. In March 2000, women's rights activists told a local newspaper that the frequency of honor killings was on the rise. By the end of 2000, the PWO had collected data on 369 honor killings. The problem is believed to be even more extensive in rural Sindh. "Karo/kari" killings are common in rural Sindh and Baluchistan. The HRC reported an average of 30 killings per month for the first half of 2000. Tribal custom among the Baluch and the Pathans sanctions such killings. The Commission of Inquiry for Women has rejected the concept of "honor" as a mitigating circumstance in a murder case and recommended that such killings be treated as simple murder. Women who are the victims of rape may become the victims of their families' vengeance against the victims' "defilement." The Government has failed to take action in honor killing cases, particularly when influential families are involved. Mehvish Miankhel, a member of an influential political family in Dera Ghazi Khan, allegedly was killed by her uncle in April. Her uncle had accused her of having an affair with the family's driver. A criminal complaint was filed against Miankhel's uncle, father, grandfather, two cousins, and two maternal uncles on July 7. All were granted pre-arrest bail and were not detained. In December 2000, Khalida was killed by her uncle and other relatives who accused her of having illicit relations with Momin Gorchani. Khalida's relatives also injured Momin's father and another one of his relatives. Police arrested one person in connection with the murder. In June 2000, a man from Yar Hussain in the NWFP allegedly killed his 20-year-old daughter, Mumliqat Bibi, while she was sleeping. The father reportedly opposed his daughter's efforts to choose a spouse without parental consent. AI also reported that if an accused

adulteress is killed, and the adulterer manages to escape this fate, he may be required under the karo/kari tradition to compensate the family of the accused adulteress; sometimes, a woman from the adulterer's family is given compensation to repair the honor of the adulteress' family.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced by the Bohra Muslims. There are an estimated 100,000 Bohra Muslims in the country; the Bohra observe a form of Shi'a Islam that was practiced in medieval Cairo. There were no available statistics on the extent to which the Bohra practice FGM; however, the practice of FGM in the Bohra community reportedly has declined in the last few years.

In December 2000, speakers at a seminar stated that large numbers of working women face discrimination and sexual harassment. Women routinely are denied equal opportunities for promotion, pay, and benefits. Additionally women in some sectors are denied days off and overtime benefits.

Trafficking in women also is a serious problem (see Section 6.f.).

Significant barriers to the advancement of women begin at birth. In general female children are less valued and cared for than are male children. According to a U.N. study, girls receive less nourishment, health care, and education than do boys. In February 2000, Dr. Sher Shah Syed, of the Pakistan National Forum on Women's Health in Karachi, reported that the maternal mortality rate is 600 per 100,000 pregnancies; this figure contradicts the Government's figure of 300 per 100,000 pregnancies. At Karachi's civil hospital, the maternal mortality rate was 2,257 per 100,000 in 1999. According to a 1996 report by the Islamabad-based Human Development Center, only 16 women are economically active for every 100 men.

Discrimination against women particularly is acute in rural areas. In some areas of rural Sindh and Baluchistan, female literacy rates are 2 percent or less. A survey of rural females by the National Institute of Psychology found that 42 percent of parents cited "no financial benefit" as the reason they kept their daughters from attending school, and sent their sons instead. Similarly a study by the NWFP directorate of primary education concluded that most girls in rural areas do not go to school because they have to look after the household while their mothers help in the fields. In Karachi only 28 percent of girls completing matriculation (10th grade) exams in science during the year would be able to find places in government-run colleges, as opposed to 83 percent of boys passing the same tests. In Baluchistan conditions are much worse, with only 2 percent of the province's women having received any formal education. Education activists have noted that many parents would like to educate their daughters; however, many parents reportedly chose not to send their daughters to school due to the poor quality of instruction and the lack of facilities.

Although a small number of women study and teach in universities, postgraduate employment opportunities for women largely remain limited to teaching, medical services, and the law. Nevertheless an increasing number of women are entering the commercial and public sectors.

Human rights monitors and women's groups believe that a narrow interpretation of Shari'a has had a harmful effect on the rights of women and minorities, as it reinforces popular attitudes and perceptions and contributes to an atmosphere in which discriminatory treatment of women and non-Muslims is accepted more readily.

Both civil and religious laws theoretically protect women's rights in cases of divorce, but many women are unaware of their rights, and often the laws are not observed. One NGO reported that legal literacy is constrained by the lack of laws printed into local languages. Judicial reforms begun in April with foreign funding included plans to publish laws in Urdu, which is understood by the majority of citizens; some laws had been published in Urdu as of year's end. The Parliamentary Commission of Inquiry for Women has recommended that marriage registration (nikahnama) be obligatory and that women, as well as men, have the right to initiate divorce proceedings. It also has called for the punishment of those who coerce women or girls into forced marriages. A husband legally is bound to maintain his wife until 3 months after the divorce. A father is bound to maintain his children until they reach the age of 14 for males, or 16 for females. However, the legal process is so complicated and lengthy that it can take years for the children to get maintenance.

In inheritance cases women generally do not receive—or are pressed to surrender—the share of the inheritance they legally are due.

In rural areas, the practice of a woman "marrying the Koran" still is accepted widely if the family cannot arrange a suitable marriage or wants to keep the family

wealth intact. A woman “married to the Koran” is forbidden to have any contact with males over 14 years of age, including her immediate family members. Press reports indicate that the practice of buying and selling brides still occurs in parts of the NWFP and the Punjab.

A special three-member bench of the Lahore High Court upheld in 1997 the federal Shariat Court’s ruling that a Muslim woman can marry without the consent of her wali (guardian—usually her father). However, in practice social custom dictates that couples are to marry at the direction of family elders. When this custom is violated, especially across ethnic lines, violence against the couple may result, and the authorities generally fail to prosecute such cases vigorously.

Civil marriages do not exist; marriages are performed and registered according to one’s religion. Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved (see Section 2.c.). Children born to Jewish or Christian women who convert to Islam after marriage are considered illegitimate only if their husbands do not also convert, and if women in such cases do not separate from their husbands. Children of non-Muslim men who convert are not considered illegitimate.

The value of women’s testimony is not equal to that of a man’s in certain court cases tried under the Hudood Ordinances or before a Federal Shariat Court (see Section 1.e.).

Women’s organizations operate primarily in urban centers. Many concentrate on educating women about existing legal rights. Other groups concentrate on providing legal aid to poor women in prison who may not be able to afford an attorney.

During the year, the Government held elections and installed local governments where women compose one-third of the members. Federal Ministers, especially the Minister for Women’s Development, have continued to speak out against “honor killings” at public seminars and symposiums. In late April, President Tarar issued an amendment ordinance to the citizenship law to enable women married to foreigners to claim citizenship for their children.

Children.—The Government, through its laws and programs, does not demonstrate a strong commitment to children’s rights and welfare. There is no federal law on compulsory education, and neither the federal nor provincial governments provide sufficient resources to assure universal education. The education system is in disarray, with studies showing that only 65 to 70 percent of children under the age of 12 are enrolled in school, less than half of whom actually complete primary school. A reported 10,000 schools have closed in recent years due to a lack of teachers. There was a reported decline in student enrollment in Sindh province from 3.19 million to 3.08 million between 1998 and 1999. During this period, an average population growth rate of 3 percent would have added 20 percent to the number of primary school age children. Even in relatively prosperous Karachi, enrollment figures are low. M.I. Memon, the late head of the Board of Intermediate and Secondary Education in Karachi, estimated in 1998 that only 1.1 million of Karachi’s school-age children actually were attending school: 500,000 in the public schools; 500,000 in private schools; and 100,000 in madrassahs (Islamic religious schools). Since the lowest estimate of school age children in Karachi—the wealthiest and most developed city in the country—is 4 million, it would appear that no more than 27.5 percent of school age children were attending school. Even those children who go to school are not assured of being able to read and write. According to UNICEF figures, a nationwide sample of children in grade five revealed that only 33 percent could read with comprehension, while a mere 17 percent were able to write a simple letter. Development experts point to a number of factors for the poor state of public education, including the low percentage of gross national product devoted to education and inefficient and corrupt federal and provincial bureaucracies. Those fortunate enough to pursue higher education often face inordinate delays in receiving the results of final exams. In March 2000, candidates for civil engineering degrees received results of the 1996 annual examinations. In 1999 one member of the Prime Minister’s education task force estimated that up to 50 percent of the education budget is “pilfered.”

Information about progress in educating girls is contradictory. A survey found that the enrollment rate for girls under age 12 was 65 percent, which was less than that of boys (75 percent), but considerably was higher than the 1990 figure of 50 percent. Since official government figures count at most 1.5 million school-age children in public and private schools and madrassahs in Karachi (of an estimated 4 million or more between the ages of 5 and 14), enrollment figures of 65 and 75 percent are difficult to substantiate. In all of Sindh province, a 14 percent jump in the number of girls in Sindh’s primary schools in the 1992–98 period placed female en-

rollment in 1998 at only 35 percent. Similarly the female literacy rate has doubled during the past two decades, although, at roughly 27 percent, it is just over half that of males. However, an Oxfam report released in March 1999 stated that the proportion of girls enrolled in school fell by 10 percent in the first half of the 1990's and one doctor claimed in a February press report that the average time girls spend in school nationwide is 0.7 years.

Education is a provincial responsibility. In 1998 the government of Punjab, the country's most populous province, began an ambitious program to improve the quality of its educational system. A comprehensive survey was performed to identify school buildings that were being misused as well as the large numbers of teachers and administrators who were not performing their duties or even showing up for work. Administrative action against these "ghost schools" began, and the Government was better placed to ensure that its education budget was not misused. The Punjab government also worked closely with both international and local NGO's to improve primary and secondary education. However, no legal action was taken against those found responsible for the misuse of government property. In August a former provincial official reported that a survey revealed that half of the third grade teachers at one school in Punjab did not know their multiplication tables. Nevertheless, the official claimed the Punjab government refused to dismiss unqualified teachers.

On August 18, the Government passed a law regulating madrassahs under a voluntary registration program that included the setting up of model schools, the setting of teacher training standards, and the standardization of the curricula in participating schools to include general education subjects. A board was to be set up to enforce the regulations, oversee participating schools, and control all internal and external funding for participating schools.

Health care services, like education, remained seriously inadequate for the nation's children. Children suffer a high rate of preventable childhood diseases. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of 5 years are caused by easily preventable ailments such as diarrhea and malnutrition. Public health administration suffers from poor management, lack of accountability, unreliable or falsified statistics, and lack of cooperation among agencies. The problems associated with polio are illustrative. According to the World Health Organization (WHO), in 1997 91 percent of confirmed polio cases in the eastern Mediterranean region were in Pakistan (1,147). The WHO and the Center for Disease Control reported in 1999 that the full (three-dose) course of oral polio vaccine had been given to only 57 percent of children in Punjab, 50 percent in the NWFP, 42 percent in Sindh, and 22 percent in Baluchistan. However, even the high number of reported polio cases may be too low, and the reported protection rate may be too high. Public health professors at a Karachi medical school report that vaccines frequently are degraded by poor storage, and that vaccination rates are inflated. In 1999 the English-language newspaper Dawn reported that doctors in Sindh had persuaded the Sindh health department to order a halt to the reporting of polio cases; however, polio cases were reported during the year. Doctors are required by law to vaccinate all children under 5 years old within a 1.2 mile range (3 miles in rural areas); however, they reportedly have taken steps to avoid the responsibility. Although the Government has undertaken six national immunization days since 1994, a Center for Disease Control official who observed a 1999 polio immunization campaign in Quetta, the capital of Baluchistan, reported that vaccination teams had no maps, census data, or plans. Since 2000 the Government has conducted a well-publicized campaign to encourage polio vaccinations. According to the Ministry of Health, 31 million children had been vaccinated for polio by year's end. The International Labor Organization (ILO) reports that 8 percent of children suffer from iron deficiency and 30 to 40 percent of children in the country suffer from stunted growth. According to a family-planning NGO, up to 50 percent of children are born iodine-deficient, resulting in high rates of mental retardation.

Children sometimes are kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy. In September 2000, an antiterrorist court in Karachi convicted five men for kidnaping the 15-year-old son of a businessman in January 2000; three of the five defendants were sentenced to death. In rural areas, it is a traditional practice for poor parents to give children to rich landlords in exchange for money or land, according to human rights advocates. These children frequently are abused by these landlords and held as bonded laborers for life. Landlords also have been known to pay impoverished parents for the "virginity" of their daughters, whom the landlords then rape. Incidents of rape are common. A 1996 survey conducted in Punjab showed that 40 percent of reported rape victims were minors, with the youngest victim in the study only 8 years old. A UNICEF-sponsored study of Punjab found that 15 percent of girls reported having been abused

sexually. Sexual abuse of boys is more common in segments of society where women and girls traditionally remain within the home. According to a local NGO, 459 boys and 615 girls were reported to have been sexually abused during the year.

A newspaper reported that there were 1,025 incidents of sexual abuse of children between January and September 2000; in the majority of cases, children were abused by acquaintances. There were credible reports of boys being sexually abused in a jail located in Punjab province in 2000. At a May 2000 conference in Karachi on trafficking in women, speakers claimed that more than 15,000 child sex workers were operating in Lahore and other cities. NGO's estimated that this number remained stable or increased slightly during the year. Child prostitution involving boys and girls widely is known to exist but rarely is discussed. All forms of prostitution are illegal, and a person who abducts a child under the age of 10 and commits sexual assault may be sentenced to death. The Shabab-i-Milli, the youth wing of the Jaamat-i-Islami party, launched a campaign in May 2000 to combat child prostitution by raising public awareness of the problem. The Commission of Inquiry for Women has observed that child sexual abuse is a subject that "has been virtually ignored," and called for a public education campaign on the subject, including introducing it into school curriculums and training nurses and doctors in how to handle such cases.

In the aftermath of a September 2000 prison riot in Hyderabad, military personnel discovered that adult prisoners abused sexually about 50 imprisoned minors. The Government did not take action by year's end, nor is it likely to take action, against prison officials for permitting the abuse. According to a 1999 Human Rights Watch report, children in detention also are subjected to torture and mistreatment.

Children's rights theoretically are protected by numerous laws that incorporate elements of the U.N. Convention on the Rights of the Child. However, the Government frequently fails to enforce these laws.

In July 2000, the Government passed the Juvenile Justice System Ordinance. The ordinance abolished the death penalty for minors under 18 years of age, mandates that the Government provide children with legal assistance, prohibits children from being tried for crimes with adults, and prohibits the proceedings of juvenile courts from being published.

According to press reports, there are several madrassahs where children are confined illegally and kept in unhealthy conditions, and there were reports of the abuse of children studying at madrassahs during the year. Sexual abuse of boys is believed widely to occur at some madrassahs.

Trafficking in children is a serious problem (see Section 6.f.).

Child labor is a significant problem (see Section 6.d.). Many children begin working at a very early age. At the age of 5 or 6, many female children assume responsibility for younger siblings.

Persons with Disabilities.—There are no laws requiring equal accessibility to public buildings for persons with disabilities. The vast majority of persons with physical and mental disabilities are cared for by their families. However, in some cases these individuals are forced into begging; organized criminal "beggarmasters" skim off much of the proceeds. Parents reportedly have given children as offerings to Baba Shah Dola, a shrine in Punjab where the children reportedly are deformed intentionally by clamping a metal form on the head that induces microcephalitis. Some human rights organizations asked local authorities to investigate this practice; however, there have been no investigations. There is a legal provision requiring public and private organizations to reserve at least 2 percent of their jobs for qualified persons with disabilities. Organizations that do not wish to hire persons with disabilities instead can give a certain amount of money to the government treasury, which goes into a fund for persons with disabilities. This obligation rarely is enforced. The National Council for the Rehabilitation of the Disabled provides some job placement and loan facilities.

Mentally ill prisoners normally lack adequate care and are not segregated from the general prison population (see Section 1.c.).

Religious Minorities.—Government authorities afford religious minorities fewer legal protections than are afforded to Sunni Muslim citizens. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or to charge persons who commit them.

Sectarian violence between Sunni and Shi'a Muslims continued to be a serious problem throughout the country (see Section 2.c.). According to the Citizens' Police Liaison Committee, a Karachi-based civic group, 34 Shi'a Muslims and 15 Sunni Muslims died as a result of sectarian violence during the year. In Punjab in particular, a deadly pattern of Sunni-Shi'a violence in which extremists killed persons because of their membership in rival sectarian organizations, or simply for their religious identification, continued. In January Syed Ameer Hussain Lak, a teacher

and an official for the Tehrik-e-Jafria, was shot and killed by motorcycle gunmen while he was on his way to school in Sardarpur village, Punjab. There were no arrests in connection with the case, and it was unlikely that any further action would be taken in connection with the case. On January 28, Sheikhul Hadith Maulana Inayatullah of Karachi was killed by six unidentified assailants who intercepted his van while he was traveling to his school, Jamia Farooqia, a Sunni Muslim seminary known for its strident anti-Shi'a teachings. Three other clerics were killed on the same day. Local commentators believe the killing to be the work of Sipah-e-Mohammad, a Shi'a Muslim extremist group, and say it may have been ordered to avenge the killing of Agha Sultani, an Iranian Shi'a teacher who was killed in Karachi by unknown assailants on January 20. Following the killing of Inayatullah and three other clerics, a combination of police, paramilitary, and military forces were dispatched in an attempt to control a mob of Sunni Muslim students that reacted to the killing by setting several vehicles and businesses on fire. Several police officers were beaten severely by students. Violence in Punjab has prompted the Government on several occasions to round up hundreds of members of religious extremist groups and students at religious schools (madrassahs) believed to be terrorist recruiting centers and training grounds. Between February 18 and February 23, four Shi'a Muslims were killed in Gujranwala, Faisalabad, and Chiniot in Punjab province. Five suspects were arrested and the Shi'a extremist group Tehrik-e-Jafria Pakistan publicly accused the Sipah-e-Sahaba Pakistan of responsibility for the killings.

On March 1, sectarian rioting in Hangu, a small city in the NWFP, resulted in at least 10 deaths. The Sunni Muslim extremist group SSP had arranged prayer gatherings throughout the NWFP for SSP activist Haq Nawaz Jhangvi, who was executed on February 28 for the 1990 killing of the leader of the Iranian Cultural Center in Lahore. SSP activists reportedly left one of these gatherings and proceeded to Hangu's main shopping area where they shot and killed three Shi'a shopkeepers and one Sunni passerby (see Section 1.a.). This resulted in additional violence between armed Sunni and Shi'a extremist groups and police sources report that mortars, rockets, and other heavy weapons were used. On March 4, between 12 (according to local government officials) and 16 persons (according to a member of a Shi'a political party), including two policemen, were reported killed when four armed men opened fire at an Imambargah (Shi'a mosque) and the local grain market of Sheikhpura (see Section 1.a.). The police arrested two suspects, one of whom is alleged to be a member of the Sunni extremist group Lashkar-e-Jhangvi. On March 12, at least 9 persons were killed and 11 others were injured when gunmen opened fire inside of a Sunni mosque in Lahore. Some speculated that the attack was committed in retaliation for the March 4 killing of Shi'as in Sheikhpura. On May 18, a vehicle carrying Saleem Qadri, the leader of the Sunni Tehrik Party, and seven others, was attacked by six men with automatic weapons. Qadri and others had been on their way to Friday prayers in Karachi. The Sunni Tehrik Party is a mid-sized Sunni Muslim extremist organization with a reputation for carrying out bombings, shootings, and other acts of violence. Local commentators speculated that rival Sunni extremist groups including the JM and SSP may have ordered Qadri's murder. Leaders of the SSP have claimed that Shi'a extremists were responsible.

Several incidents of sectarian violence between rival Sunni and Shi'a groups typically occur during Muharram, the time when Shi'a Muslims mourn the deaths of the Prophet Mohammed's nephew, Ali and Ali's son Hussain. Government efforts to stem a wave of sectarian violence in the weeks leading up to Muharram, including mass arrests of those suspected of participating in sectarian violence and a public call for religious leaders to enforce a code of conduct, resulted in fewer deaths during Muharram compared with 2000.

Antiterrorist courts handed down convictions against several individuals accused of sectarian violence during the year; however, government authorities did not detain suspects in many other cases of sectarian violence.

Ahmadis often are targets of religious intolerance, much of which is instigated by organized religious extremists. Ahmadi leaders charge that militant Sunni mullahs and their followers sometimes stage marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by crowds of 100 to 200 persons, the mullahs purportedly denounce Ahmadis and their founder, a situation that sometimes leads to violence. The Ahmadis claim that police generally are present during these marches but do not intervene to prevent trouble (see Section 2.c.). Ahmadi leaders continue to express concerns about government efforts to inculcate intolerance. Senior government officials regularly make disparaging remarks about Ahmadis in public, and government-sponsored text books have been revised in recent years to remove all references to the contributions made by Ahmadis to society.

In October 2000, two assailants opened fire on an Ahmadi mosque in Ghatialian in Sialkot district, killing four Ahmadis and one Sunni Muslim. Three suspects were arrested; however, no formal charges were filed by year's end. On November 10, 2000, a mob composed of a cleric's followers killed five Ahmadis in Takht Hazara, Sarghoda district, following a clash between a group of Ahmadis and a Sunni Muslim cleric. Police detained 25 persons for questioning and imprisoned 13 others in connection with the killings; however, no charges had been filed against any of the suspects by year's end.

On August 26, a mob attacked an Ahmadi place of worship in Sheikhpura; instead of attempting to intervene, police reportedly placed 28 Ahmadis in protective custody during the incident. The 28 Ahmadis later were released but no action was taken against the alleged perpetrators.

In July 2000, in response to pressure from some Muslim groups, the Government incorporated the Islamic provisions of the suspended Constitution into the Provisional Constitutional Order, including the clause declaring Ahmadis to be non-Muslims (see Section 2.c.). Ahmadis suffer from harassment and discrimination and have limited chances for advancement into management levels in government service. Although Ahmadis serving in the bureaucracy used to report few problems with their advancement and ability to serve in senior positions, in the past few years Ahmadis claim that even the rumor that someone may be an Ahmadi or have Ahmadi relatives can stifle opportunities for employment or promotion. Ahmadi students in public schools are subject to abuse by their non-Ahmadi classmates, and the quality of teachers assigned to predominantly Ahmadi schools by the Government generally is poor. However, most Ahmadis are home-schooled or go to private Ahmadi-run schools. Young Ahmadis complain of difficulty in gaining admittance to good colleges and consequently having to go abroad for higher education. Certain sections of the Penal Code discriminate against Ahmadis (see Section 2.c.), particularly the provision that forbids Ahmadis from "directly or indirectly" posing as Muslims. Armed with this vague wording, mullahs have brought charges against Ahmadis for using standard Muslim salutations and for naming their children Mohammed.

Other religious minority groups also experience considerable discrimination in employment and education. In the country's early years, minorities were able to rise to the senior ranks of the military and civil service. Today many are unable to rise above mid-level ranks. The Government claims that officers in the military are promoted strictly on merit, and there are two active duty generals who are members of religious minorities. The lack of religious minorities at higher levels of the military partially may be due to the limited number of minorities who opt for a career in the armed forces.

Discrimination in employment reportedly is common. Christians in particular have difficulty finding jobs other than menial labor, although Christian activists say the employment situation has improved somewhat in the private sector. Christians are overrepresented in the country's most oppressed social group—that of bonded laborers. Like Ahmadis many Christians complain about the difficulty that their children face in gaining admission to government schools and colleges, a problem they attribute to discrimination. Many Christians continue to express fear of forced marriages between Muslim men and Christian women, although the practice is relatively rare. During the year, a 15-year-old girl near Sheikhpura reportedly was kidnaped and forced to marry a Muslim man. The perpetrators allegedly bribed the police not to investigate, and even though the girl was ordered returned to her parents, the police did not execute this order. Reprisals against suspected converts to Christianity occur, and a general atmosphere of religious intolerance has led to acts of violence against religious minorities (see Section 2.c.).

On October 28, three assailants shot and killed a police officer on guard outside of St. Dominic's church in Bahawalpur during Protestant services at the church; they then entered the church, closed its doors, and began firing into the congregation. Sixteen persons were killed. Police arrested 18 members of the Jaish-i-Mohammad in connection with the massacre, although as of December none of them had been charged. Government officials stated that the investigation was ongoing at year's end. On March 12, men broke into the Lourdes Convent and attacked Sister Christine, a 78-year-old nun; she died in a nearby hospital a few days later. The perpetrators of the attack were Muslims who previously had accused Sister Christine of proselytizing. Police officials have not arrested anyone in connection with this attack, reportedly due to the lack of suspects. Human rights observers believe that the authorities have shelved the case indefinitely. In May 2000, five masked men stopped a factory bus in Ferozwala on which female factory employees were traveling and raped six to eight Christian girls who were passengers; the assailants reportedly spared the two Muslim passengers on the bus. Initially police officials

urged the girls to report that they were robbed, not raped; however, when the Christian Liberation Front complained to government officials, the officials immediately registered the cases as rape cases, arrested three suspects, and promised to investigate police behavior. The suspects were charged under the Hudood Ordinances and were scheduled to stand trial in September 2000. However, one of the suspects was released for lack of evidence. As of early October, a Sessions Court in Lahore was hearing the case. Local observers asserted that the alleged rapists have been attempting to pressure the victims' families to withdraw the case.

There are restrictions on certain testimony in court by non-Muslims (see Section 1.e.).

Although there are few Jewish citizens in the country, anti-Semitic sentiments appear to be widespread, and anti-Semitic and anti-Zionist press articles are common.

Section 6. Worker Rights

a. The Right of Association.—The Industrial Relations Ordinance (IRO) permits industrial workers to form trade unions subject to major restrictions in some employment areas. However, the International Confederation of Free Trade Unions (ICFTU) reports that the IRO only covers companies that employ 50 or more persons, and that companies sometimes subdivide their workforces into artificial subsidiaries (while keeping them all on the same premises) to avoid falling under the IRO. The Essential Services Maintenance Act (ESMA) covers the state administration, government services, and state enterprises such as oil and gas production, electricity generation and transmission, the state-owned airline, the national railroad, and ports. Workers in these sectors are allowed to form unions. However, the ESMA sharply restricts normal union activities, usually prohibiting, for example, the right to strike in affected organizations. A worker's right to quit also may be curtailed under the ESMA. For each industry subject to the ESMA, the Government must make a finding, renewable every 6 months, on the limits of union activity. There is no provision allowing agricultural workers or teachers to unionize as they are not defined as "an industry." Water and power workers may engage in "responsible trade unionism."

According to government estimates, union members make up approximately 10 percent of the industrial labor force and 3 percent of the total estimated work force. Unions claim that the number of union members is underestimated. Contract labor continues to flourish, undercutting the power of the unions and exploiting workers who are willing to work on temporary contracts with fewer benefits and no job security.

Legally required conciliation proceedings and cooling-off periods constrain the right to strike, as does the Government's authority to ban any strike that may cause "serious hardship to the community" or prejudice the national interest. The Government also may ban a strike that has continued for 30 days. Strikes are rare. When they occur, they usually are illegal and short. The Government regards as illegal any strike conducted by workers who are not members of a legally registered union. Police do not hesitate to crack down on worker demonstrations. The law prohibits employers from seeking retribution against leaders of a legal strike and stipulates criminal penalties for offenders. The courts may imprison employers for violating this prohibition, but they are more likely to fine them. The law does not protect leaders of illegal strikes. There were no strikes during the year, and some labor leaders attribute this to the ban on strikes by large unions, such as Pakistan Railways and Pakistan International Airways. The ICFTU reported that during the year the Government also suspended union activities, including canceling collective bargaining agreements and closing union offices, at PIA. In May and June 2000, there were strikes by small and large businessmen throughout the country to protest the Government's efforts to collect taxes.

In 1997 the Cabinet passed an amendment to the IRO which states that: 1) Only employees of the represented industry can hold office in a trade union; and 2) if trade unions form a federation, the federation cannot bargain with individual employers; each component union has to bargain for itself. The first provision disadvantages smaller unions, which may not have enough officers capable of bargaining. The second provision is an attempt to weaken the power of the federations. This amendment has been challenged by the trade unions and, as a result, has not yet come into force. Late in 1997, the Prime Minister announced the Government's investment policy, under which, in order to improve working relations among employees and employers, trade union activity would be industry-based and not factory-based. This policy also decrees that, in order to check the growth of trade unions, unions receiving less than 20 percent of the votes in a referendum are to be dissolved automatically and their registrations canceled. No action has been taken to implement these elements of the investment policy.

The ILO has stated repeatedly that the country's law and practice violate the Government's commitments under ILO Convention 87. The ILO has urged the Government to lift prohibitions against union activity with respect to teachers, radio, television, railway, forestry, hospital, banking, and other government employees, as well as to rescind the existing ban on strikes. The ILO also expressed concern about the practice of artificial promotions that exclude workers from the purview of Convention 111. In response to a government request, the ILO has provided technical assistance to help bring the country's labor laws into conformity with the ILO's conventions. However, no legislative remedies have been applied.

Unions may belong to federations, and there are eight major federations. The Government permits trade unions across the political spectrum. While many unions remain aloof from politics, some are associated with political parties. Unions associated with opposition parties are allowed to carry on their activities freely.

The United States revoked Generalized System of Preferences (GSP) trade benefits in 1996 for certain goods, such as leather sporting goods, surgical instruments, and hand-loomed carpets, due to failure to make progress on various worker rights issues including child labor (see Section 6.d.).

In 1994 a government task force on labor recommended improvements on worker rights problems, which formed the basis for the development of a new government labor policy. The Government has not approved the new policy; however, it has implemented two components of the proposed policy: Improvements in the workers' welfare fund and increases in social security benefits for workers. Federations are free to affiliate with international federations and confederations. Pakistani trade unions belong to the ICFTU and to secretariats affiliated with the ICFTU.

b. The Right to Organize and Bargain Collectively.—The right of industrial workers to organize and freely elect representatives to act as collective bargaining agents is established in law. In general legal unions have the right to bargain collectively. However, the many restrictions on forming unions (see Section 6.a.) preclude collective bargaining by large sections of the labor force. For example, agricultural workers are not provided with the right to strike, to bargain collectively, or to make demands on employers. The National Bank of Pakistan Employees' Union filed suit against the Government for implementing a banking companies ordinance that prohibited union activities in banks during working hours and allowed only current bank employees to serve as bank trade union officials. Labor unions report that workers are given artificial promotions (such as a new title with no salary increase) to make them ineligible for union membership. This practice is prevalent in the financial sector, particularly among foreign banks.

The ESMA also restricts collective bargaining. For each industry subject to the ESMA (see Section 6.a.), the Government must make a finding, renewable every 6 months, on the limits of union activity. In cases in which the Government prohibits collective bargaining, special wage boards decide wage levels.

The special wage boards are established at the provincial level and are composed of representatives from industry, labor, and the provincial labor ministry, which provides the chairman. Despite the presence of labor representatives, unions generally are dissatisfied with the boards' findings. Disputes are adjudicated before the National Industrial Relations Commission. A worker's right to quit also may be curtailed under the ESMA. Dismissed workers have no recourse to the labor courts.

The IRO prohibits antiunion discrimination by employers. Under the law, private employers are required to reinstate workers fired for union activities. However, in practice, such redress has not been available to workers, because workers usually do not pursue redress through the courts due to the fact that the legal system is slow, prohibitively expensive, and often corrupt.

The ESMA exempts export promotion zones (EPZ's) from the IRO's granting of workers the right to form trade unions. There is only one EPZ, in Karachi, with nearly 6,000 employees, according to government sources. In 1996 the Cabinet decided to withdraw these exemptions beginning in January 2000; however, the Government stated that it will honor agreements with investors regarding the exemptions, and it made no effort to lift the restrictions as of year's end.

c. Prohibition of Forced or Compulsory Labor.—The suspended Constitution and the law prohibit forced labor, including forced labor by children; however, the Government does not enforce these prohibitions effectively. Critics argue that the ESMA's limitation on worker rights, especially the right to quit, constitutes a form of compulsory labor. The ILO has objected to this violation of Convention 29. The Government has responded that the maintenance of essential services is required for the defense and security of the country, and that continued reviews have limited these services to a few core areas such as electricity generation and distribution, and air and sea ports.

The Bonded Labor System (Abolition) Act of 1992 (BLAA) outlawed bonded labor, canceled all existing bonded debts, and forbade lawsuits for the recovery of existing debts. The act makes bonded labor by children punishable by up to 5 years in prison and up to \$900 (PRs 50,000) in fines. However, provincial governments, which are responsible for enforcing the law, have failed to establish enforcement mechanisms. Strong social ties between employers and public officials at the local level further undercut the law's effectiveness. In addition the law is written in English and frequently is incomprehensible to persons it is intended to protect. Some provincial laws appear to violate the BLAA. For example, the Sindh Tenancy Act empowers a landlord to detain an indebted tenant, or a tenant's family member if the tenant flees, until the debt is repaid. Despite the fact that national law prohibits bonded labor, courts in Sindh often uphold the Sindh Tenancy Act. It also reportedly is common in Sindh for local officials to inform landlords of pending court decisions that will require the liberation of bonded laborers, enabling the landlords to relocate the workers prior to the judgment and thus avoid the requirement to free them. In January 2000, a newspaper reported that 56 landless agricultural workers escaped from a private jail in Sanghar district, Sindh. The landlord reportedly had forced them to work without wages for several years. In April 2000, President Musharraf announced that approximately \$1,700,000 (PRs 100,000,000) had been designated to fight bonded labor; the promised funds were received by the Ministry of Labor early in the year. In September the Government announced a plan to eradicate bonded labor in the brick kiln and agriculture sectors, which included the establishment of rehabilitation centers to advise and educate liberated bonded laborers.

There is a reasonable basis to believe that handmade bricks and hand-woven wool carpets are produced with forced or indentured child labor. Illegal bonded labor is widespread. It is common in the brick, glass, and fishing industries and is found among agricultural and construction workers in rural areas. A 1998 study by a trade federation reported that more than 200,000 families work in debt slavery in the brick kiln industry, and there are reports that this figure has grown with the arrival of Afghan refugees to the country. The Government undertook a survey of bonded labor during the year that was to be completed in 2002. Bonded laborers often are drawn from the lowest rungs of society and are unskilled, low-caste, and often non-Muslim. The Bonded Labor Liberation Front (BLLF) is an NGO that advocates for the rights of bonded laborers and provides a safe haven and educational and vocational training for those who have escaped their bondage. The BLLF states that it freed 820 bonded brick kiln workers (including 351 children) in 1999. Bonded labor, including bonded child labor, reportedly is used in the production of carpets for export under the peshgi system, by which a worker is advanced money and raw materials for a carpet he promises to complete. The lack of education among bonded laborers deprives them of the ability to perform the necessary calculations to know when they have paid their debts to bondholders. Bonded laborers who escape often face retaliation from former employers. In March 2000, the Lahore High Court ordered the release of 24 brick kiln workers, including 10 women and children. According to press accounts, the laborers were kept in chains, were not compensated for their work, and were beaten frequently. Press reports indicate that there were similar numbers of bonded laborers freed during the year. Others return to their former status after being freed because they lack the education, money, and mobility to seek a different livelihood. Although the police arrest violators of the law against bonded labor, many such individuals bribe the police to release them. Conservative estimates put the number of bonded workers at several million. The Government disputes that peshgi workers are "bonded" or "forced" laborers and argues that they are "contract laborers" who negotiate a salary advance in a free and open market.

There are reports that children in juvenile detention facilities are required to work. Children at the Karachi Central Jail, who were imprisoned for crimes they committed, were detained with their parents, or were born in jail, reportedly are involved in woodcrafts and television repairs. Verifying these reports is difficult because of limited outside access to the jail.

Children sometimes are kidnaped to be used for forced labor. According to 1996 ILO estimates, 3.3 million children between the ages of 5 and 14 (approximately 8 percent of this population group) are "economically active." Of these, approximately two-thirds work in agriculture. Seventy percent of working children have the status of "unpaid family helpers." Many observers believe that the ILO estimates understate the true dimensions of the problem. Observers also believe that the incidence of bonded labor among such children is significant, but there are no reliable figures available on this.

Human rights groups report that as many as 50 private jails housing some 4,500 bonded laborers were maintained by landlords in rural Sindh (see Section 1.d.).

The suspended Constitution and the law prohibited slavery. However, in remote areas of rural Sindh, bonded agricultural labor and debt slavery have a long history. Landlords have kept entire families in private prisons and sold families to other landlords.

Trafficking in children is a significant problem in Punjab and Sindh, where young boys are trafficked to the Persian Gulf to work as domestic servants and camel jockeys (see Section 6.f.). Some boys, usually between the ages of 6 and 9, are taken to countries in the Persian Gulf to serve as camel jockeys.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government has adopted laws and promulgated policies to protect children from exploitation in the workplace; however, enforcement of child labor laws is lax and child labor is a serious problem. The suspended Constitution prohibits the employment of children aged 14 years and under in factories, mines, and other hazardous occupations. The Employment of Children Act prohibits the employment of children under age 14 in certain occupations and regulates their conditions of work. Under this law, no child is allowed to work overtime or at night. Penalties for the violation of the act include fines of up to \$300 (PRs 20,000) or 1 year in prison. As of year's end, no one has ever received the maximum penalty. Child labor is common and results from a combination of severe poverty, employer greed, and inadequate enforcement of laws intended to control it. In May 2000, the Government, in conjunction with the ILO, issued a national policy and action plan to combat child labor. Its three principal goals are: To eradicate immediately the worst forms of child labor, to progressively eliminate all remaining forms of child labor, and to ensure at least a primary education and vocational training for the targeted children. According to the plan, funding is to be provided by the federal and provincial governments and "international donors." In April the Ministry of Labor received \$1,700,000 (PRs 1,000,000,000) to fund the national child labor action plan. A board was formed to launch projects to combat child labor, and provincial governments were asked to submit proposals during the year.

Children in juvenile detention facilities reportedly are required to work; children at the Karachi Central Jail, who are imprisoned for crimes they have committed, were detained with their parents, or were born in jail, reportedly are involved in woodcrafts and television repairs (see Section 6.c.). Verifying these reports is difficult due to limited outside access to the jail.

In 1996 the Government announced the results of its first comprehensive child labor survey conducted with the assistance of the ILO's International Program for the Elimination of Child Labor (ILO-IPEC). According to the survey, 8.3 percent (or between 3.3 and 3.6 million) of children between the ages of 5 and 14 worked. The child labor force was found to be predominantly male (73 percent) and rural (71 percent). Approximately 60 percent of child labor in the country occurred in Punjab. Some 45.8 percent of child laborers worked 35 hours or more per week and 12.6 percent worked 56 hours or more. The majority (67 percent) of child laborers worked in agriculture, forestry, hunting, and fishing industries; 11 percent in the manufacturing sector, 9 percent in wholesale and retail, and 8 percent in social and personal services. In occupational terms, craft and related trade work accounted for approximately 19 percent of child laborers, while 71 percent worked in unskilled jobs.

Only the Government and exporters regard the ILO survey as an accurate measurement of the incidence of child labor. Many observers believe that it understates the problem, and give higher estimates of as many as 20 million child laborers. A 1997 survey by the Pakistan Institute of Labor Education and Research indicated that in one-fourth of 187 Karachi households, the eldest child worker (below the age of 14) provided more than 40 percent of household income. A recent ILO survey indicated that agriculture is the largest child labor industry; followed by the informal sector, which includes domestic work, street vending, illegal work, and family businesses; hazardous work, such as the leather, surgical instruments, and brick kiln industries ranked third. The report also noted that when programs are developed to eliminate child labor in one industry, parents often shift their children to work in other industries.

A survey conducted by the Human Rights Commission of Pakistan published in June 1999 noted that there are approximately 4,000 children working in auto workshops in the Mardan district of the NWFP. The report stated that most of the children were between the ages of 3 and 8. During a press conference in February 2000, the president of the Punjab Laborers Front stated that 100,000 children between the ages of 5 and 12 years were working in more than 4,500 brick kilns in Punjab. The ILO, the Ministry of Labor, and the Federal Bureau of Statistics were scheduled to conduct a new survey during the year in more than 30,000 households; this survey is to include the agricultural sector and rural areas where the worst forms of child labor often occur. The survey is expected to be completed in 2002.

Child labor, mostly female, is common in the carpet industry, much of which is family-run. Carpet manufacturers, along with the ILO-IPEC, have established a program to eliminate child labor from the industry through monitoring and rehabilitation, and monitoring and rehabilitation continued throughout the year. By year's end, 285 informal education centers had been set up. Of the 9,519 children enrolled in the centers at year's end, 8,114 were active in the carpet industry and 1,405 were working siblings. During the year, 30 new rehabilitation centers, capable of serving 950 children, were added to the existing 153 rehabilitation centers. The ILO runs a program that aims to decrease child labor in the carpet industry by promoting educational opportunities for children. Its efforts have been extremely successful, and as a result, the demand for enrollment in public schools far exceeds the capacity of existing schools.

Although surgical instrument manufacturers have acted to remove child laborers from their factories, child labor still occurs at rudimentary offsite filing and polishing centers run by subcontractors for low-end items. Almost all children working in the surgical instrument industry are male. According to the ILO and the Punjab Welfare Department, children constitute about 15 percent of the work force in the surgical instrument industry in Sialkot; 3,200 of these children are estimated to be under age 14. According to a June 1999 report issued by Public Services International, the average age of children in the surgical instrument industry is 12. Children in the surgical instrument industry are prone to injuries from machinery and burns from hot metal, as well as respiratory illnesses from inhaling poisonous metal dust. The successful efforts to eliminate child labor in other industries have not been mirrored in the surgical instrument industry.

Child labor is not regarded as a particular problem in the textile and apparel industries, but no specific studies of this sector have been performed. In October 2000, Fayyaz Ahmad, a child worker in a textile mill, died as a result of injuries he sustained when his clothing became entangled in machinery.

In response to international criticism, the Government has begun to push provincial authorities to enforce child labor laws. However, enforcement of these laws remains a problem. There are few child labor inspectors in most districts, and the inspectors often have little training and insufficient resources. They reportedly also are corrupt. By law inspectors also may not inspect facilities that employ less than 10 persons; most child labor occurs in facilities smaller than this. Hundreds of convictions are obtained each year for violations of child labor laws, but low fines levied by the courts—ranging from an average of \$6 (PRs 364) in the NWFP to an average of \$110 (PRs 7,280) in Baluchistan—are not a significant deterrent. The Employment of Children Act allows for fines of up to \$275 (PRs 18,200). Penalties often are not imposed on those found to be violating child labor laws.

Soccer ball manufacturers, importers, the ILO, and UNICEF have implemented a plan to eliminate child labor from the soccer ball industry. This project, based in Sialkot, monitors the production of soccer balls at established stitching centers, and set up as many as 185 rehabilitation centers to educate former child laborers and their younger siblings. At the end of 2000, there were 153 rehabilitation centers, and an additional 70 centers were projected to be established during the next 2 years. In addition the project sought to identify unemployed adults, especially women, from the families of former child stitchers to take up stitching work and replace lost income. Women initially were reluctant to move from their homes to stitching centers. To this end, it began to establish small, home-based stitching centers in individual villages; by the end of 2000, it had set up 358 home-based centers and 146 larger centers for female stitchers. By year's end, the number of home-based centers had increased to 360, larger centers to 186, and combined centers to 64. The ILO monitors more than 1,200 stitching centers. Saga Sports, which also manufactures soccer balls, has built modern community-based facilities in 10 villages with a high percentage of family stitching operations. The facilities contain workspace for stitchers as well as dining areas, childcare centers, recreation areas, and medical clinics. Each facility also has its own water system, waste disposal system, generator for electricity, and transportation system. Meals, childcare, medical services, and use of the facilities are provided for free to workers and their families; use of non-production areas is allowed to all community members. These centers reportedly have created approximately 6,000 jobs, 400 to 500 of which are held by women. During 2000 Saga Sports became the first industry in Sialkot to permit freedom of association. By the end of 2000, more than 6,000 children had been removed from employment in the soccer ball industry. In February the International Labor Organization, which monitors more than 90 percent of export production, reported that it had found no evidence of children working in any of the registered stitching centers, and that it found no unregistered centers. Despite the success of these programs, exporters of soccer balls from Sialkot state that implementing child

labor reforms has increased their production costs, making their products less competitive in the world market.

Under a memorandum of understanding with the Government, the ILO/IPEC program in the country is involved with other child labor projects. Projects in Sialkot include one in the surgical instruments industry and one in the nonformal (non-exporting) sectors. The ILO works with the Government, employers, workers, and NGO's to pursue the Government's policy and plan of action for child labor. The Government established 30 rehabilitation centers (50 are planned) for former child laborers through the Pakistan Bait-ul-Mal, the Government's social welfare fund. Each center educates 120 children. The ILO created a similar program in conjunction with the European Union, specifically targeting child bonded laborers, and during the year the Government took charge of 18 centers begun by the European Union. In 1998 the ILO and the Swiss Agency for Development and Cooperation (SDC) launched a large project to combat child labor and child abuse in the NWFP. This program, which targets children in the automobile repair sector, aims to provide children with vocational training and informal education. During the year, this project was extended through 2005. It has targeted assistance to 720 children; so far, it has provided informal education to 160 children and pre-vocational training to 393 others.

The Child Care Foundation of Pakistan, a national NGO, was established in 1996 with support from the Ministry of Commerce. Other NGO's, such as the Pakistan Bait-ul-Mal, conduct programs to end child labor. Bait-ul-Mal, with funding from the Government and international organizations, operates 33 education centers for children known collectively as the National Center for the Rehabilitation of Child Labor. Parents of working children are offered compensation of \$5 per month (PRs 300), plus a small daily stipend of about \$0.08 (PRs 5) in exchange for sending their children to school. Children in the centers receive free schooling, uniforms, books, and meals. However, many children apparently do not remain there for more than a year; the schools often are in areas far from their clients. The Bunyad Literacy Community Council and Sudhaar also run schools focusing on children who work in the soccer ball and carpet industries; their programs aim to transition children out of working and into mainstream schooling. Other local NGO's, such as the Society for the Protection of the Rights of the Child, are working to eliminate child labor.

On August 15, the Government ratified ILO Convention 182 on the worst forms of child labor.

The law prohibits forced and bonded child labor; however forced child labor is a problem (see Section 6.c.).

While the Government does not recruit children to serve in the armed forces, non-governmental groups such as the Tehrik-e-Nifaze-e-Shariat-Muhammadi have recruited teenagers to fight alongside the Taliban in Afghanistan.

e. Acceptable Conditions of Work.—Federal statutes applicable throughout the country govern labor regulations. The minimum wage for unskilled workers is \$30 (PRs 1,976) per month, with only slightly higher minimum rates for skilled workers. It applies only to industrial and commercial establishments employing 50 or more workers and not to agricultural or other workers in the informal sectors. The minimum wage usually does not provide a decent standard of living for a worker and family.

Federal law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations do not apply to agricultural workers, workers in factories with fewer than 10 employees, and contractors. Large numbers of workers do not enjoy these benefits. Many workers are unaware of their rights because of their lack of education.

Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health and safety standards in the workplace, health care, education for workers' children, social security, old age benefits, and a worker's welfare fund. Employees earning more than \$47 (PRs 3,120) per month do not receive these benefits.

The provinces have been ineffective in enforcing labor regulations because of limited resources, corruption, and inadequate regulatory structures. In general health and safety standards are poor. Although organized labor presses for improvements, the Government has done little and its efforts to enforce existing legal protection are weak. There is a serious lack of adherence to mine safety and health protocols. For example, mines often only have one opening for entry, egress, and ventilation. Workers cannot remove themselves from dangerous working conditions without risking loss of employment.

On April 30, the Government announced a labor reforms package. The package includes the introduction of voluntary group insurance, expansion of existing low-cost housing projects, an increase in monetary compensation for death or disability, and an increase in old age pensions. Government officials stated that progress in implementing the reform package was made by year's end. Labor leaders continued to criticize the reform package as too limited in scope.

f. Trafficking in Persons.—There are no specific domestic legal provisions dealing with trafficking in persons, although the suspended Constitution and various laws deal with certain elements of trafficking; trafficking in persons, especially in women, is a serious problem. The law prohibits the trafficking of women under age 21 into the country for sexual purposes and kidnaping, and the suspended Constitution prohibits slavery and forced labor. Trafficking in women is protected by powerful criminal interests and operates relatively openly. The Government has done little to stem the flow of women trafficked into the country or to help victims of trafficking. For example, despite the estimated thousands of women involved, only 88 cases were registered in Sindh between 1990 and 1999. Of the 260 men and 110 women arrested, 87 were charged and only 7 were sentenced. The Government does not provide direct assistance to victims but does provide legal assistance and funding for NGO's that assist victims.

Pakistan is a source, transit, and destination country for trafficking in women and children for sexual exploitation, but more significantly, for use as bonded labor. Thousands of women are trafficked into the country every year, mainly from Bangladesh. Smaller numbers of Burmese, Sri Lankan, Indian, Afghan, and Central Asian women also are trafficked into the country and some Pakistani women are trafficked overseas, mainly to Afghanistan or Saudi Arabia to work as prostitutes or domestic workers. East Asian and Bangladeshi women are trafficked through the country en route to other destinations. Trafficking in women has occurred for decades; there likely are several hundred thousand trafficked women in the country. A Karachi-based NGO estimates that 100 to 150 women who are trafficked into the country each day from Bangladesh are sold for domestic labor throughout the country and for prostitution in Karachi; other estimates state that approximately 50 women are trafficked into the country per day. Press reports indicate that the buying and selling of brides persists in parts of the NWFP and Punjab.

Trafficking victims usually are deceived with false prospects of marriage or offers of legitimate jobs in the country. Traffickers also use force, abduction, threats, and coercion to entice and control trafficking victims. Traffickers generally are affiliated with powerful criminal interests. There have been some reports of lower level official complicity and corruption with regard to trafficking. The border police, immigration officers, customs officials, police, and other officials (including members of the judiciary), reportedly sometimes facilitate trafficking in return for bribes.

Trafficking victims do not have legal residency and, if found by the authorities, are detained, arrested, and prosecuted for violation of immigration laws or of the Hudood ordinances. The Hudood ordinances criminalize extramarital sexual relations and place a burden on female rape victims because testimony of female victims and witnesses carry no legal weight. If a woman brings charges of rape to court and the case cannot be proved, the court automatically takes the rape victim's allegations as a confession of her own complicity and acknowledgment of consensual adultery (see Section 5). These laws discourage trafficking victims from bringing forward charges. Without money to pay for bail, trafficking victims often are bailed out by their pimps, who require them to return to prostitution. Small numbers of escaped victims of trafficking end up in shelters run by NGO's that assist trafficking victims, but most do not because there are few such shelters available. Many women who are not bailed out are not repatriated. Since most Bangladeshi women arrive without documentation, the Bangladesh High Commission will not take responsibility for them, and they remain confined to women's shelters. Some have been repatriated at the expense of individuals who discover them and pay for their return home. The Commission of Inquiry for Women drew attention to the problem of "enforced prostitution and trafficking in women," noting that women are the victims of exploitation by police and pimps, and should be treated with compassion. One NGO, Lawyers for Human Rights and Legal Aid (LHRLA), has reported extensively on trafficking and has provided documentation of the problem; several other NGO's occasionally work on the issue. Lawyers for Human Rights and Legal Aid and the Society for Human Rights and Prisoner's Aid run specific programs to assist trafficking victims, and a few other local NGO's also assist trafficking victims on a smaller scale.

Prices for trafficked women start at approximately \$550 (PRs 30,000) but can go as high as approximately \$5,000 (PRs 260,000). Physical beauty and educational level are major factors in determining prices. Some women sold in shops in Karachi

reportedly are sent to Persian Gulf countries, where they are slaves; women sent to rural Pakistan reportedly are de facto slaves. Buyers in such shops reportedly purchase women for purposes of labor or sex; some are married to their buyers.

Young boys are trafficked to the Persian Gulf to work as camel jockeys; reports estimate that there are between several hundred and a few thousand boys between the ages of 3 and 10 working as camel jockeys, mostly in the United Arab Emirates (UAE). Most are from Punjab or Sindh. There are approximately 1,000 such children in Qatar, and there are reports of such children in Saudi Arabia. Dera Ghazi Khan in Punjab is a center for trafficking in children, and is a major source of children trafficked as camel jockeys. The majority of these boys are sent to the Gulf countries by their parents, landless agricultural workers who receive either a monthly sum of money or a lump sum for their child's labor. Parents occasionally also accompany their children to the Persian Gulf. However, a significant minority of these children are abducted by traffickers in the country and sent abroad without the knowledge of their parents. The boys generally are sent to the Gulf countries under the passports of women posing as their mothers. The conditions such children live under often are poor, and many children reportedly are injured or maimed while racing camels. The children reportedly do not receive proper medical care or schooling, and deliberately are underfed to keep them as light as possible. When they become too old to race, they are sent back to the country and left to fend for themselves. In February 2000, the district administration in Multan approached the Pakistan Ambassador to the UAE for the return of two children reportedly sold to a UAE citizen for approximately \$400 (PRs 20,000) each, and the federal investigation agency filed charges against four residents of Multan who were involved in the deal. As of year's end, there was no report on the return of the boys. Within the country, children sometimes are kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Section 6.c.). In rural areas, it is a traditional practice for poor parents to give children to rich landlords in exchange for money or land, according to human rights advocates. These children frequently are abused by these landlords and held as bonded laborers for life.

SRI LANKA

Sri Lanka is a democratic republic with an active multiparty system. Constitutional power is shared between the popularly elected President and the 225-member Parliament. Violence, including at least 50 deaths, and irregularities marred the December Parliamentary elections in which the United National Front, a coalition of parties led by the United National Party (UNP), won a majority in Parliament for the next 6-year period. Fearing possible infiltration by the Liberation Tigers of Tamil Eelam (LTTE), the Government prohibited more than 40,000 Tamil voters from crossing army checkpoints from LTTE-controlled territories to vote. Chandrika Kumaratunga, head of the governing People's Alliance (PA) coalition, won reelection in 1999 for a second 5-year presidential term in a process marked by voting irregularities and at least six election-related deaths. The President suspended Parliament from July to September after the PA coalition lost its majority. The suspension was lifted after the PA coalition temporarily re-established control through an accord with a small leftist party. However, on October 10, after the coalition suffered more defections, the President dissolved Parliament and called for new elections in December. The Government generally respects constitutional provisions for an independent judiciary.

For the past 18 years, the Government has fought the Liberation Tigers of Tamil Eelam (LTTE), a terrorist organization fighting for a separate ethnic Tamil state in the north and east of the country. The conflict has claimed more than 64,000 lives. In 1999, government forces took LTTE-controlled areas north and west of Vavuniya, but counterattacks starting in November 1999 erased most government gains. In 2000 the LTTE began a buildup on the Jaffna peninsula, and captured the important Elephant Pass military base. The clashes left large numbers of civilians dead or injured and displaced more than 150,000 persons. In April, government troops launched a major offensive on the Jaffna Peninsula that resulted in heavy casualties for its forces. In July, the LTTE attacked Colombo's main airbase and international airport, destroying numerous aircraft and placing civilians at the airport at serious risk. At year's end the Government and the LTTE had each announced unilateral cease-fires.

The Ministry of Defense controls all security forces (armed forces and police). The 60,000-member police force is responsible for internal security in most areas of the country, and has been used in military operations against the LTTE. The 120,000-

member army (which includes the Army Volunteer Force), the 17,000-member navy, and the 18,500 member air force bear principal responsibility for conducting operations against LTTE terrorists. The police paramilitary Special Task Force (STF) also battled the LTTE. The more than 20,000 member Home Guards, an armed force drawn from local communities and responsible to the police, provide security for Muslim and Sinhalese village communities in or near the war zone. The Government also arms and appears to direct various anti-LTTE Tamil militias, although at times these groups seemed to act independently of government authority. During the year, some members of the security forces committed serious human rights abuses.

Sri Lanka is a low-income country with a market economy based mainly on the export of textiles, tea, rubber, coconuts, and gems. It also earns substantial foreign exchange from the repatriated earnings of citizens employed abroad, and from tourism. The gross domestic product (GDP) per capita is approximately \$850 (79,617 rupees). The population is approximately 18.5 million. Real GDP growth was 6.0 percent in 2000. Growth during the year is forecast at about 1 percent. This decline is attributed mainly to the worldwide economic downturn, the July LTTE attack on Colombo's international airport, and prolonged power outages throughout the country from July onward.

The Government generally respected the human rights of its citizens in areas not directly affected by the conflict, but there are serious problems in some areas, and the ongoing war with the LTTE continued to lead to serious human rights abuses by both sides. Security forces committed numerous extrajudicial killings during the year. Disappearances also remain a problem. The military and police reportedly tortured detainees. There was at least one report of a death in custody. Security forces have raped women while they were in custody. Security forces were accused in five such cases during the year. The military took some measures to limit civilian casualties during operations, although more than 100 civilians have died during the year, with hundreds more injured, as a result of military-LTTE clashes. Several civilian deaths have occurred due to an air campaign by the air force against LTTE targets.

Torture remained a problem and prison conditions remained poor. Arbitrary arrests (including short-term mass arrests and detentions) continued, often accompanied by failure of the security forces to comply with legal protections. In most cases, there was no investigation or prosecution, giving the appearance of impunity for those responsible for human rights violations.

The Government infringed on citizens' privacy rights, but restrictions on the freedom of the press were eased somewhat. In July, the Government stopped censoring reporting on military and security operations. In previous years, the Government had stringent censorship regulations and on occasion security forces harassed journalists and shut down newspapers critical of the government. There were no reports of such harassment during the year. The LTTE prohibits access to uncleared areas of the country, in effect censoring all reporting coming from LTTE controlled areas. Serious restrictions remained on freedom of movement, especially from Vavuniya to Colombo and the southern part of the country generally. The Government impinged upon citizens' right to change their government by dissolving Parliament after losing its majority.

Violence and discrimination against women, child prostitution, child labor, and discrimination against persons with disabilities continued to be problems. Trafficking in women and children for the purpose of forced labor occurs, and trafficking of women and children for the commercial sex industry is a problem. There is evidence of a continued international interest in the country's children for the sex trade. There is some discrimination and occasional violence against religious minorities, and institutionalized ethnic discrimination against Tamils remains a problem.

In the past few years, the Government has taken some steps to address human rights concerns. In 2000 the Government named a new chairman and five new commissioners for the National Human Rights Commission (HRC). The Committee to Inquire into Undue Arrest and Harassment (CIUAH) continued to assist those alleging abuse at the hands of the military and police. In late 2000, the Government established an Interministerial Permanent Standing Committee and an Interministerial Working Group on Human Rights Issues, chaired by senior officials, to investigate human rights abuses referred by the Supreme Court, U.N. organs, or international human rights organizations. At the same time, the Government established the Prosecution of Torture Perpetrators Unit, under the direct supervision of the Attorney General. The investigation into the mass graves in Chemmani, begun in 2000, continues.

There are two former Tamil terrorist organizations aligned with the former PA Government. These Tamil militants, who are armed and at times appear to be di-

rected by the security forces, have been implicated in cases involving extrajudicial killing, torture, detention, and extortion during the year.

In July, the LTTE attacked the airport north of Colombo. The LTTE continued to commit numerous serious human rights abuses in the ongoing war with the Government. The LTTE regularly committed extrajudicial killings, including killing prisoners taken on the battlefield, and also was responsible for disappearances, torture, arbitrary arrest, detentions, and extortion. Through a campaign of killing and intimidation, the LTTE continued to undermine the work of elected local government bodies in Jaffna. On occasion, the LTTE prevented political and governmental activities from occurring in the north and east. The LTTE did not release military personnel in its custody during the year. The LTTE continued to control large sections of the north and east of the country. The LTTE denied those under its control the right to change their government, infringed on privacy rights, did not provide for fair trials, restricted freedom of movement, used child soldiers, and severely discriminated against ethnic and religious minorities.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed extrajudicial killings, including the killing of civilians in connection with the conflict with the LTTE. On July 19, government security forces killed two persons during an opposition party sponsored rally which the Government claimed was illegal (see Section 2.b.). On January 28, naval personnel arrested Kanapathypillai Udayakumar. The following day his body was returned to his family. The report on his killing states that he was strangled to death. The naval personnel accused in connection with his killing are in custody awaiting trial. On September 20, Sivagnanam Manohari, living near Batticaloa, apparently was shot and killed by air force personnel while fishing. Her nephew, who was with her at the time, was injured seriously. No arrests have been made to date, but the incident is still under investigation.

Impunity remains a problem. Since April 1995, several hundred persons have been killed extrajudicially by the security forces or have disappeared after being taken into security force custody. With the exception of the six security force personnel convicted in the 1996 killing of Krishanthi Kumaraswamy and the 4 convictions for abduction involving 88 security force personnel, no member of the security forces has been convicted for these crimes. In the vast majority of cases where military personnel may have committed human rights violations, the Government has not identified those responsible and brought them to justice. At year's end, the government of Sri Lanka was investigating 597 Security Force personnel for possible human rights violations.

In December 2000, nine Tamil civilians were reported missing in Mirusuvil after being arrested by the army (SLA). One person escaped, and reported the incident to police and the local magistrate. The magistrate took the person to the site where he and the other eight had been detained and tortured. The escapee identified two SLA soldiers as the perpetrators, and the soldiers admitted to torturing nine civilians and murdering eight of them. The soldiers identified the place of burial and the bodies were exhumed. Nine soldiers later were arrested for the torture and killings. The army commander is monitoring the matter and has ordered a separate inquiry into the incident; the soldiers were administratively punished by having their salaries withheld by the SLA (see Sections 1.b. and 1.c.). The case was transferred to the Anuradhapura Magistrate's Court for adjudication in November; it had not come to trial by year's end.

In November 2000, four mutilated bodies were found in Nilaveli. The killings widely were believed to have been carried out by naval infantry personnel. The following day Tamil civilians protested against the deaths claiming that the naval personnel involved attempted to coerce statements from relatives of the deceased that the dead were members of the LTTE. Later, the bodies of the two primary organizers of the demonstration were found. The military investigated the incident. The commander of the local navy base and other key military personnel were transferred in June, but no one has been charged in connection with the killings.

In October 2000, while police allegedly looked on, 27 young Tamil males held at the Bindunuwewa rehabilitation camp for former child soldiers, were hacked and clubbed to death by local villagers; 15 others were injured. Police allegedly took part in the killings and did nothing to prevent the villagers from entering the detention camp. Violence after the killings continued for almost 1 week before police were able to restore order. During that time, at least 14 other persons died. The HRC stated that the police were guilty of "grave dereliction of duty," and it did not believe that

the mobs could have overpowered the police present. The President initiated a hearing into the matter, which met regularly throughout the year. Three of the survivors were able to testify at the Presidential Hearing. Some human rights organizations complained that the magistrate in charge of the hearing limited any questions critical of the Government. Many witnesses at the hearing criticized police actions at the scene and during the initial investigations. All suspects in the case have been released on bail.

In April 2000, gunmen in police uniforms killed the chief suspect in the 1993 killing of prominent politician Lalith Athulathmudali. There have been no arrests in connection with this killing.

In 2000 the government ordered payment of compensation to victims of a 1999 air force bombing that killed 22 civilians at Puthukkudiyiruppu.

In some cases, extrajudicial killings were reprisals against civilians for LTTE attacks in which members of the security forces or civilians were killed or injured. In most cases, the security forces claimed that the victims were members of the LTTE, but human rights monitors believe otherwise. In Thampalakamam, near Trincomalee, in February 1998, police and home guards allegedly killed eight Tamil civilians, possibly in reprisal for the LTTE bombing of the Temple of the Tooth a week earlier. The Government arrested police officers and home guards, charging 4 with murder and 17 with unlawful assembly. The case remained active during the year, but there were no convictions.

Crucial safeguards built into the Emergency Regulations (ER) and the legislation establishing the HRC often were ignored by the security forces-especially those provisions requiring receipts to be issued for arrests and ordering the security forces to notify the HRC of any arrest within 48 hours. Although security force personnel can be fined or jailed for failure to comply with the ER, none were known to have been punished for this during the year.

Although the courts in 2000 ordered five soldiers arrested for the 1999 gang rape and murder of Ida Carmelita, a young Tamil girl, the case remained pending at year's end. Various witnesses continued to testify at hearings held during the year. Court hearings are scheduled to continue in 2002.

At his sentencing for the 1998 rape and murder of Krishanthi Kumaraswamy, a Tamil schoolgirl, former Lance Corporal Somaratne Rajapakse claimed knowledge of mass graves at Chemmani in Jaffna containing the bodies of up to 400 persons killed by security forces in 1996. The other five defendants convicted in the Kumaraswamy killing later also claimed knowledge of mass graves in the Chemmani area, where they allegedly had buried between 120 and 140 bodies on the orders of their superiors. Exhumations in 1999 in the presence of international observers and forensic experts yielded 15 skeletons. Two of the victims provisionally were identified as young men who had disappeared in 1996. In late 1999, the Government submitted its forensic report to a magistrate in Jaffna; the report stated that 10 of the remains, including a skeleton that was bound and blindfolded, showed signs of physical assault that led to their deaths. The cause of death was not determined for the remaining bodies; however, the report stated that physical assault leading to death could not be ruled out in these cases. By year's end, 13 of the bodies had not been identified. Rajapakse and others named a total of 20 security personnel, including former policemen, as responsible for the killings. The remaining unidentified bodies were undergoing DNA testing for identification purposes at year's end. At year's end, the case still was pending, but continued disturbances on the Jaffna Peninsula have displaced key witnesses and delayed proceedings. All suspects in the case have been released on bail.

The case against eight soldiers and one reserve police constable arrested in February 1996 in the massacre of 24 Tamil villagers in Kumarapuram came to trial in September 1997. In November 1998, six of the soldiers were charged with murder. The case still was pending at year's end. The case of 22 STF members arrested on suspicion of killing 23 Tamil youths at Bolgoda Lake in 1995 went to trial in June 2000. Because key witnesses did not appear, the prosecution asked for the case to be rescheduled to October 2000 when another hearing was held. The next hearing was scheduled for March, but was rescheduled once again. The hearing is scheduled to take place in 2002.

The PA Government came to power in 1994 and promised to bring to justice the perpetrators of extrajudicial killings from previous years. In 1994, it began prosecutions in several extrajudicial killings allegedly committed by members of the security forces. The trial of 21 soldiers accused of massacring 35 Tamil civilians in 1992 in the village of Mailanthani in Batticaloa district was transferred to the Colombo High Court in 1996. The High Court held another hearing in the summer of 2000 before scheduling the case for a jury trial beginning in January 2002. Many wit-

nesses for the case live in refugee camps, and they cannot come to court to give evidence; observers believe that the case likely will be protracted.

In January 2000, assailants shot and killed pro-LTTE Tamil politician Kumar Ponnambalam. Police detained four persons, two of whom alleged that a local businessman had hired them to commit the murder. The investigation continued at year's end.

Former terrorist Tamil militant groups armed by and aligned with the former PA Government committed extrajudicial killings in the eastern province and in the Vavuniya area in the north.

The military wing of the People's Liberation Organization of Tamil Eelam (PLOTE) and the Razeek group were responsible for killing a number of persons. The security forces arm and use these militias and a number of other Tamil militant organizations to provide information, to help identify LTTE terrorists, and, in some cases, to fight in military operations against the terrorists. The exact size of these militias is impossible to ascertain, but they probably total fewer than 2,000 persons. Although the army in some instances took steps to convert Tamil militia groups into regular army units, military oversight of these groups remained inadequate, and complaints about them continued, especially in Batticaloa and in transit camps for internally displaced person (IDP's) in Vavuniya. The militias gain access to these camps through a variety of means, including bribery and threats. It was impossible to determine the number of victims because of the secrecy with which these groups operated. Persons killed by these militants probably included both LTTE operatives and civilians who failed to comply with extortion demands. Unknown assailants killed Jaffna media correspondent Mayilvaganam Nimalarajan in October 2000. Nimalarajan's outspoken criticism of paramilitary groups in Jaffna led many to believe that one of these groups killed him. No one has been prosecuted for his death. In 1999 the Government forbade these groups from carrying arms and from stockpiling weapons, but these prohibitions have generally not been effective.

The LTTE continued to commit extrajudicial killings. Due to the inaccessibility of LTTE controlled areas and the LTTE's prevention of investigations by outside agencies, the exact number and type of killings in LTTE-controlled areas is unknown. Attacks by the LTTE continued to kill civilians outside of LTTE-controlled areas. For example, a civilian bus on the way to Trincomalee was bombed by the LTTE in August, and a trishaw was bombed outside of Jaffna in September (see Section 1.g.).

Attacks and counter-attacks between Government forces and the LTTE occurred almost daily, although there was a significant reduction in the number of civilians killed by suicide attacks. There were two suicide bombing attacks attributed to the LTTE during the year, on September 15 and October 29, in addition to the July attack on the airport north of Colombo (see Section 1.g.). There were reports that the LTTE continued to commit extrajudicial killings, including lamppost killings. Due to inaccessibility of LTTE controlled areas and its forestalling investigations by outside agencies, the number and type of extrajudicial killings are unknown. At least 14 persons found guilty of offenses by the LTTE's self-described courts were killed in 1999 by the LTTE in public executions; their bodies were tied to lampposts or otherwise left for public display. The LTTE has bombed civilian targets, killing and injuring civilians, and engaged in hostage taking and hijackings. The LTTE reportedly sometimes kills its own injured troops to avoid their capture (see Section 1.g.).

There was no further progress in the investigation into the murder of Ramesh Nadarajah, a Tamil Member of Parliament who was killed in November 1999. Nadarajah was a member of the Eelam People's Democratic Party (EPDP) and an editor of a weekly Tamil-language newspaper.

During the year, no arrests were made in connection with a grenade explosion in November 1999 that killed a person and injured 35 others at a political rally held by the United National Party (UNP).

In March 1999, municipal workers uncovered a pit near the Durraipa Stadium in Jaffna that contained the skeletal remains of several persons. Forensic evidence suggested that these remains were approximately 10 years old. This discovery potentially implicated the Indian Peacekeeping Force (IPKF), which occupied Jaffna at the time. Critics contrasted the prompt investigation of the Durraipa stadium graves with the slow investigation of the Chemmani mass graves.

b. Disappearance.—Disappearances at the hands of the security forces continued in the north and east. There were also reports of disappearance in Colombo and Jaffna. The army, navy, police, and paramilitary groups were involved in as many as 10 disappearances, primarily in Vavuniya. Between January and September, the Human Rights Commission received 44 reports of disappearances in Vavuniya alone. These cases have not yet been confirmed. In December 2000, eight Tamil civilians were reported missing in Mirusuvil after being arrested and tortured by the

SLA. Two SLA soldiers were identified as perpetrators and admitted to killing eight of the civilians. The bodies were exhumed. One SLA commissioned officer and six additional SLA soldiers were arrested later. At year's end, the army commander ordered an inquiry into the incident; the soldiers were administratively punished by having their salaries withheld by the SLA (see Sections 1.a. and 1.c.). In November the case was transferred to the Anuradhapura Magistrate's Court for adjudication. It had not come to trial at year's end. In February 2000, a fisherman seen arrested by naval personnel near Trincomalee disappeared. At year's end, the case still was pending. As with extrajudicial killings, the exact number of disappearances was impossible to ascertain due to lack of reliable news about security force operations and infrequent access to the north and east. Those who disappeared during the year and in previous years are presumed dead. The 2000 U.N. Working Group on Enforced or Involuntary Disappearances lists the country as having an extremely large number of "nonclarified" disappearances. The Commander of the Army and the Inspector General of Police both have criticized the disappearances and stated that the perpetrators would be called to account. Nonetheless there have been very few prosecutions of security force personnel to date.

Three regional commissions were set up in November 1994 to inquire into disappearances that occurred from 1988 to 1994, most during the 1988–89 period of the Janantha Vimukthi Peramuna (People's Liberation Front-JVP) uprising. The commissions found that 16,742 persons disappeared after having been removed involuntarily from their homes, in most cases by security forces. In other cases, antigovernment elements—in particular the leftist JVP—were determined to be responsible for the disappearances. After the reports were presented to the President in 1997, the police created a Disappearances Investigations Unit (DIU) in 1998 to examine 1,681 cases in which the commissions had evidence against specific individuals.

In 1999, the Attorney General created a Missing Persons Commissions Unit to consider institution of criminal proceedings based on results of DIU investigations. In 2000, the Attorney General's office opened over 1,175 files and referred 262 indictments to the high courts and 86 complaints to magistrates involving 583 members of the security forces on abduction and murder charges. Hearings and trials in at least 250 of these cases had begun by late 2000. Of these, the Attorney General's office successfully prosecuted 4 cases by year's end. The Attorney General's office continued to prosecute other cases, as evidence became available.

In 1998, a fourth commission was established to look into approximately 10,000 cases of disappearance that the initial three commissions had been unable to investigate before their mandates expired. Human rights observers have criticized the Government for not extending the mandate of this commission to include cases of disappearance that occurred since the Kumaratunga Government took office in 1994. The commission is charged with investigating and reporting on possible human rights cases in order to forward the appropriate cases, with recommendations, to the Attorney General's office for further investigation and prosecution. The commission submitted an interim report to President Kumaratunga in December 1999 and a final report in August 2000; however, by year's end, the report still had not been made public.

During the year, there were no developments in the Vantharamulle case, in which army troops allegedly abducted 158 Tamils from a refugee camp in the Batticaloa district in 1990. Observers maintain that there is credible evidence identifying the alleged perpetrators.

In 1999 the U.N. Working Group on Enforced or Involuntary Disappearances made its third visit to the country. Its report, released in December 1999, cited the Prevention of Terrorism Act (PTA) and ER as important factors contributing to disappearances and recommended the abolition or modification of these laws to bring them into conformity with internationally accepted human rights standards. The Working Group criticized the country's slow progress in resolving disappearances and noted the lack of implementation of its recommendations from visits in 1991 and 1992, including the creation of a central register of detainees. The report encouraged the establishment of an independent body to investigate disappearances that occurred after the Kumaratunga Government took office in 1994. In November the Government, in response to continuing and widespread criticism of unreported arrests, standardized and simplified regulations under the existing law and established a registry for all those arrested under the PTA or ER. However, human rights organizations and families of detainees continued to complain that arrests were being made without proper procedures.

Tamil militias aligned with the former PA government also were responsible for disappearances in past years, although there were no reports during the year. These militias detained persons at various locations that serve, in effect, as undeclared de-

tention centers. Human rights observers believed that the PLOTE was a major offender in the case of disappearances. The HRC has no mandate or authority to enforce respect for human rights among these militia groups, and when the HRC office director for Vavuniya complained about PLOTE activity, he received death threats. The office director left the country in 1999. It was impossible to determine the exact number of victims because of the secrecy with which these groups operated. The Government took no clear steps to stop these militias' actions, although tighter restrictions on these groups' right to bear arms were implemented following a May 1999 shootout between PLOTE and Tamil Eelam Liberation Organization (TELO) supporters near a popular shopping center in downtown Colombo. Despite the restrictions on weapons, the TELO and PLOTE had a shootout in Vavuniya in August.

The LTTE was responsible for an undetermined number of civilian disappearances in the north and east during the year. Although the LTTE has denied taking any prisoners from its battles, at year's end it was known to be holding 11 civilian crew members of vessels that it had hijacked since 1995, along with 11 security force personnel. No prisoners were released during the year.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—Despite legal prohibitions, the security forces and police continue to torture and mistreat persons in police custody and prisons, particularly Tamils suspected of supporting the LTTE. Suspected criminals also apparently were tortured.

The Convention Against Torture Act (CATA) made torture a punishable offense. Under the CATA, torture is defined as a specific crime, the High Court has jurisdiction over violations, and criminal conviction carries a 7-year minimum sentence. However, according to a 1999 Amnesty International (AI) report, the CATA does not implement several provisions of the U.N. Convention; this results in torture being prohibited under specific circumstances but allowed under others. Consequently, torture continues with relative impunity. In addition, the PTA makes confessions obtained under any circumstance, including by torture, admissible in court. The U.N. Working Group on Enforced or Involuntary Disappearances and other human rights organizations cited the PTA as a major factor contributing to torture of prisoners.

Since 2000 the Government has been working on developing regulations to prosecute and punish military and police personnel responsible for torture. The Attorney General's Office and the Criminal Investigation Unit have established units to focus on torture complaints; the units have forwarded 14 cases for indictments during the year. The Interparliamentary Permanent Standing Committee and its Interministerial Working Group on Human Rights Issues have begun tracking criminal investigations of torture. In addition, the Government also ceased paying fines incurred by security force personnel found guilty of torture. Security force personnel have been fined under civil statutes for engaging in torture. According to the Attorney General's Office, members of the security forces and police have been prosecuted under criminal statutes, but none of the cases has come to conclusion. Impunity remains a problem. In the vast majority of cases in which military personnel may have committed human rights abuses, the Government has not identified those responsible and brought them to justice.

Members of the security forces continued to torture and mistreat detainees and other prisoners, particularly during interrogation. Methods of torture included electric shock, beatings (especially on the soles of the feet), suspension by the wrists or feet in contorted positions, burning, slamming testicles in desk drawers, and near drowning. In other cases, victims must remain in unnatural positions for extended periods, or they have bags laced with insecticide, chili powder, or gasoline placed over their heads. Detainees have reported broken bones and other serious injuries as a result of their mistreatment. There were reports of rape in detention during the year. Medical examination of persons arrested through 2000 and this year continued to reveal multiple cases of torture. In December 2000, the bodies of eight Tamils tortured and killed by the army in Mirusuvil were exhumed after one person escaped and notified authorities. Nine soldiers were arrested, and by year's end, an inquiry continued (see Sections 1.a. and 1.b.). The military also is conducting its own inquiry; the personnel involved have been discharged.

During the year Thivyan Krishnasamy, a student leader and an outspoken critic of the actions of the Sri Lankan security forces in Jaffna, claimed that he was tortured while in custody. Human rights observers claim that he was arrested because of his political activism, but the police state that he is connected to the LTTE. He was arrested on July 2, and when he was brought before a court in August he complained of being tortured. Krishnasamy appeared in court on November 18, at which time his hearing was delayed until early 2002. In response to his allegations of torture the Jaffna Student Union held protests. University administrators temporarily closed the university to avoid violence.

During the year, there were a number of reports of women being raped by security forces while in detention. One such case involved two women arrested on March 19 in Mannar. The women claim that they were tortured and repeatedly raped by naval and police personnel. The women were released on bail in April, and have filed charges against their assailants. At year's end, the 14 accused were still in custody awaiting their trial date. Four other cases in which the security forces are accused of raping women in detention were still pending at year's end.

Under fundamental rights provisions in the Constitution, torture victims may file civil suit for compensation in the High Courts or Supreme Court. Courts have granted awards ranging from approximately \$175 (14,200 rupees) to \$2,280 (182,500 rupees). In February the Colombo high court ordered compensation of \$625 (50,000 rupees) to a young man beaten in police custody in Vavuniya and Colombo in 1999. In August the Supreme Court ordered \$1,250 (100,000 rupees) in compensation for a Tamil man tortured in December 1999 at an army camp near Batticaloa. However, most cases take 2 years or more to move through the courts, and nongovernmental organizations (NGO's) who represent torture victims complained that the new Supreme Court Chief Justice appointed in September 1999 grants hearings in only the most egregious cases.

Impunity remains a problem. In the vast majority of cases in which military personnel may have committed human rights abuses, the Government has not identified those responsible and brought them to justice.

At the invitation of the Government, the United Nations Committee on Torture sent a five-person mission to Colombo in August 2000, to determine whether a systematic pattern of torture exists in the country and, if so, to make recommendations for eliminating the practice. By year's end, the mission had submitted its confidential report to President Kumaratunga, but the report had not been released to the public.

Tamil militants aligned with the former PA government also engaged in torture. With the apparent knowledge of the security forces, the PLOTE in Vavuniya and the EPDP in Jaffna, were criticized for torturing their opponents, and there were reports that they continued to use torture during the year. Security forces have done little to stop this practice.

The LTTE reportedly used torture on a routine basis. Security force prisoners released by the LTTE in previous years stated that they had been subjected to torture, including being hung upside down and beaten, having pins inserted under their fingernails, and being burned with hot metal rods.

Prison conditions generally are poor and do not meet international standards because of overcrowding and lack of sanitary facilities. An increase in detentions associated with the war with the LTTE caused a significant deterioration in already poor conditions in short-term detention centers and in undeclared detention centers run by Tamil groups aligned with the former PA government (see Section 1.d.).

The Government permitted representatives from the International Committee of the Red Cross (ICRC) to visit approximately 160 places of detention. The HRC also visited over 2,000 police stations and over 500 detention facilities by year's end (see Section 1.d.).

Conditions also are poor in LTTE-run detention facilities. Some former prisoners reported being handcuffed and shackled during much of their captivity.

The LTTE permitted the ICRC to visit detainees in the Vavuniya region approximately once every 6 weeks. Due to the release of detainees in 2000, ICRC visited fewer LTTE detention centers than in previous years (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. Under the law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours. In practice, persons detained generally appear before a magistrate within a few days of arrest. The magistrate may authorize bail or order continued pretrial detention for up to three months or longer. Under the ER (which lapsed in July) and the PTA, security forces may detain suspects for extended periods of time without court approval. The ER, in force periodically since 1979 and in force island-wide from August 1998 until July, allowed pretrial detention for a maximum of four consecutive 3-month periods. The ER gave security forces broad powers to arrest and detain without charge or the right to judicial review. ER provisions published in May 2000 lengthened to 1 year the period for which authorities were able to order individuals to remain at home or otherwise have their freedom of association and movement limited. ER provisions also permitted police to hold individuals for up to 90 days to investigate suspected offenses, although the police had to present detainees to a court within 30 days to record the detention. The court was able to order a further 6 months' detention.

As required under the ER, the army generally turned over those that it arrested to the police within 24 hours, although the police and the army did not always issue arrest receipts or notify the HRC within 48 hours. The HRC has a legal mandate to visit those arrested, and police generally respected this in areas outside of the conflict. Due to censorship and infrequent access, observers could not determine the state of affairs in the north and the east.

Despite Government announcements that it would close all secret detention centers, there were continued credible reports that the military held persons for short amounts of time in smaller camps for interrogation before transferring them to declared places of detention. This procedure, which allegedly occurred on the Jaffna peninsula, in Vavuniya, and in the east (see Section 1.c.), did not comply with requirements to notify the HRC of arrests and to issue arrest receipts. The military maintained the detainees were "in transit," and claimed they did not violate the detainees' rights.

Large-scale arrests of Tamils continued during the year. Many detentions occurred during operations against the LTTE. Most detentions lasted a maximum of several days although some extended to several months. The number of prisoners held at any given moment under the ER and the PTA fluctuated between 1,500 and 2,000. Hundreds of Tamils charged under the PTA remained in detention without bail awaiting trial, some for more than 2 years. The high courts held hearings on just over 500 cases under the PTA or ER during the first 8 months of the year. Many such cases drag on for years. During the week following the July 24 attack on Colombo's main airbase and international airport, security forces detained hundreds of Tamils in the Colombo region for questioning. In addition, those arrested sometimes were held in prisons with convicted criminals. Although most of the Tamils who were detained were released within a matter of hours, many were held overnight, with some held for several days. Cordon and search operations occurred regularly throughout the country during the year, although on a much smaller scale. Tamils complained that they were abused verbally and held for extended periods at security checkpoints throughout Colombo (see Section 1.d.) The Government justified the detentions and arrests on security grounds, but many Tamils claimed they constituted harassment. Tamil homes were often searched arbitrarily. In January 2000, security forces detained several thousand Tamils in Colombo and the surrounding suburbs in cordon and search operations meant to find LTTE cadres after suicide bomb attacks. Although authorities eventually arrested fewer than 100 persons, many of those rounded up for questioning spent hours in detention.

In July 1998, the President established the Committee to Inquire into Undue Arrest and Harassment (CIUAH). The committee, which includes senior opposition party and Tamil representatives, examines complaints of arrest and harassment by security forces and takes remedial action as needed. The Committee received more than 1,200 complaints by year's end. Opinions on the effectiveness of the CIUAH are mixed. Some human rights observers believe that the work of the committee deterred random arrests and alleviated problems encountered by detainees and their families. However, some critics claim that, following initial publicity, the committee's services have not been advertised widely. Many Tamils believe that the CIUAH does little to deter police agents from stopping them at security force checkpoints in the capital.

The HRC investigated the legality of detention in cases referred to it by the Supreme Court and private citizens. Although the HRC is legally mandated to exercise oversight over arrests and detentions by the security forces and to undertake visits to prisons, members of the security forces sometimes violated the regulations and failed to cooperate with the HRC.

The Government continued to give the ICRC unhindered access to approximately 160 detention centers, police stations, and army camps recognized officially as places of detention. Such visits played an important role in enabling the ICRC to monitor the human rights practices of the security forces. Due to the lapsing of the ER in July, the total number of persons detained in military bases at any one time has been dramatically reduced, with the military making fewer arrests and transferring detainees to police facilities more quickly than in previous years.

The PLOTE reportedly continued to run places of illegal detention in Vavuniya. The EPDP also detained its own members for short periods in Jaffna as punishment for breaking party discipline.

The LTTE has in the past detained civilians, often holding them for ransom. There have been isolated but unconfirmed reports of this practice during the year, such as the reported kidnaping of a Muslim businessman in the Batticaloa area in October. Reports indicate that the LTTE demanded \$5,600 (500,000 Rupees) for his release. In September 1999, the LTTE held three businessmen for a ransom of \$550,000 (40 million Rupees). The businessmen were freed after making partial pay-

ment and promising to pay the balance. Unconfirmed reports indicated the LTTE was holding in custody more than 2,000 civilians in the northern part of the island. In June 2000, the LTTE released 1 of its 12 declared civilian prisoners. In February 2000, the LTTE released 4 of the 15 servicemen that it held. The LTTE did not permit the ICRC or any other humanitarian organization to visit its detainees during the year.

The Government does not practice forced exile and there are no legal provisions allowing its use.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary and the Government generally respects these provisions in practice.

The President appoints judges to the Supreme Court, the courts of appeal, and the high courts. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints, transfers, and dismisses lower court judges. Judges serve until the mandatory retirement age of 65 for the Supreme Court and 62 for other courts. Judges can be removed for reasons of misbehavior or physical or mental incapacity, but only after a legal investigation followed by joint action of the President and the Parliament.

In criminal cases, juries try defendants in public. Defendants are informed of the charges and evidence against them, and may be represented by the counsel of their choice, and have the right to appeal. The Government provides counsel for indigent persons tried on criminal charges in the high courts and the courts of appeal, but it does not provide counsel in other cases. Private legal aid organizations assist some defendants. In addition, the Ministry of Justice operates 11 community legal aid centers to assist those who cannot afford representation and to serve as educational resources for local communities. However, these legal aid centers had tried no cases by the end of September. There are no jury trials in cases brought under the PTA. Confessions, obtained by various coercive means, including torture, are inadmissible in criminal proceedings, but are allowed in PTA cases; most convictions under the PTA rely heavily on them. Defendants bear the burden of proof to show that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Subject to judicial review in certain cases, defendants can spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases come to trial, decisions are made relatively quickly. Courts held hearings on approximately 500 PTA and ER cases during the year.

Most court proceedings in Colombo and the south are conducted in English or Sinhala, which due to a shortage of court-appointed interpreters has restricted the ability of Tamil-speaking defendants to get a fair hearing. Trials and hearings in the north and east are in Tamil and English, but many serious cases, including those having to do with terrorism, are tried in Colombo. While Tamil-speaking judges exist at the magistrate level, only four high court judges, an appeals court judge, and a Supreme Court justice speak fluent Tamil. Few legal textbooks and only one law report exist in Tamil, and the Government has complied only slowly with legislation requiring publishing all laws in English, Sinhala, and Tamil.

In Jaffna LTTE threats against court officials sometimes disrupted normal court operations. Although the Jaffna high court suspended activities due to security concerns in 2000, it reopened during the year and was still functioning at year's end.

The LTTE has its own self-described court system, composed of judges with little or no legal training. The courts operate without codified or defined legal authority and essentially operate as agents of the LTTE rather than as an independent judiciary. The courts reportedly impose severe punishments, including execution.

The Government claims that all persons held under the ER and the PTA are suspected members of the LTTE and are, therefore, legitimate security threats. Insufficient information exists to verify this claim and to determine whether these detainees or members of the now legal JVP, detained in similar fashion in past years, are political prisoners. Between 200 and 300 of those previously detained—mostly JVP members—were convicted under criminal law; some remain incarcerated. In many cases, human rights monitors question the legitimacy of the criminal charges brought against these persons.

The LTTE also reportedly holds a number of political prisoners. The number is impossible to determine because of the secretive nature of the organization. The LTTE refuses to allow the ICRC access to these prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy, and the Government generally respects this provision in practice; however, it infringes on citizen's privacy rights in some areas. The police obtain proper warrants for arrests and searches conducted under ordinary law; however, the security forces are not required to obtain warrants for searches conducted either under the now lapsed ER or the PTA. The Secretary of the Ministry of Defense is responsible for providing oversight for such searches.

No judicial review or other means of redress existed for alleged illegal searches under the ER. Some Tamils complained that their homes were searched as a means of general harassment by the security forces (see Section 1.d.). The Government is believed to monitor telephone conversations and correspondence on a selective basis. The security forces routinely open mail destined for LTTE-controlled areas and seize contraband. The Government censored news reports that covered military operations.

Tamil militant groups, nominally operating under government control, used forced conscription in the past, although it appears this practice abated after a 1999 order from the Government. In previous years, there were credible reports that Tamil youth (in the east in particular) were forced to join these groups under threats to themselves and their families; however, there were no reports that this practice occurred during the year.

The LTTE routinely invades the privacy of citizens, maintaining an effective network of informants. The LTTE expelled approximately 46,000 Muslim from their homes in the northern part of the island. The LTTE also recruits children (see Section 6.d.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Hostilities between the Government and the LTTE continued throughout the year, with an estimated 2000 combatants and 100 civilians killed in conflict-related incidents. For example, in May a 10-year-old child and the mother were injured near Karawetti when the LTTE and SLA exchanged fire; in June, two civilians were killed and 16 others were injured during a 2 hour confrontation between the LTTE and the SLA at Kawatamunai. The Sri Lankan air force carried out a bombing campaign in the north and east during the year, with particular intensity from June through August. The Tamil press regularly has reported the death of civilians due to air force bombing, but there has been no confirmation of these reports.

The Government in the past often publicized aspects of its planned operations to allow civilians time to vacate the probable areas to be affected. However, the armed forces were more secretive during the year than in previous years, and did not give public warnings before the commencement of operations. In May 2000, 23 persons were killed and dozens were injured when a bomb exploded at a Buddhist temple in Batticaloa in the east, where crowds had gathered to celebrate the Buddhist festival of Vesak. The Government has blamed the LTTE publicly for this bombing, but no one has yet claimed responsibility. At year's end, an investigation had been conducted. After the bomb exploded, security forces reportedly opened fire, killing four children and injuring eight more. The Government maintains that the evidence and interviews of witnesses do not support the claims that security forces killed the children. The security forces use aerial observation for selecting targets for shelling and bombing. They also attempt to locate the source of incoming mortar fire before responding; however, inaccurate mortar and artillery fire killed civilians. In September 1999, the air force dropped 3 bombs on a village near Puthukudiyiruppu in the Vanni, killing 22 persons (see Section 1.a.). Human rights observers, including the ICRC and AI, alleged that those killed were civilians. Government officials acknowledged that 22 men, women, and children were killed by the air force bomb; however, they alleged that the air force targeted an LTTE training camp, and at first they did not admit the possibility that civilians were killed in error. The Government later acknowledged quietly that the attack was an accident. During the year, the Government held an investigation and authorized compensation for the victims' families, admitting that the site had been bombed "in error." However, the Government did not admit formally to having killed civilians.

On November 16, the Sri Lankan Army created the Directorate of Human Rights and Humanitarian Law in the Sri Lankan Army. The directorate is charged with coordinating all human rights activities for the army from ICRC training classes (see Section 4) to overseeing the Human Rights Cells that are assigned throughout the military. The SLA also states that all of its personnel have completed the appropriate training and pledged to adhere to the "rules of international Humanitarian Law." The armed forces operate under written rules of engagement that severely restrict the shelling, bombardment, or other use of firepower against civilian-occupied areas such as villages.

At year's end, approximately 490,000 persons had been displaced by the conflict. Over 340,000 persons, principally in the Vanni region, remain displaced from the past several years of fighting; during 2000 the battles near Jaffna displaced an additional 150,000. The UNHCR reports a minimum of 800,000 IDP's, while the Commissioner General for Essential Services states that it provides services for over 700,000 persons.

The Government continued to provide food relief, through the Commissioner General for Essential Services (CGES) and the Multi-Purpose Cooperative Societies

(MCPS), to displaced and other needy citizens, including those in areas controlled by the LTTE. Food rations were delivered by the Government to the Vanni area through a checkpoint that is controlled on one side by the security forces and on the other by the LTTE. The border into the territory controlled by the LTTE (an "uncleared area" in Government parlance) was not closed during the year.

The Government maintained a long list of prohibited "war-related" medical items, such as sutures, plaster of Paris, intravenous liquid supplies, bandages, and some drugs. NGO's and other groups that sought to take these items to LTTE-controlled areas in the Vanni region needed permission from local officials as well as from the Ministry of Defense. Delays were common and approval sometimes was denied, due to fear that supplies would fall into the hands of the LTTE. As a result, many medical items in the Vanni region and Jaffna were in short supply. This shortfall contributed to an already serious deterioration in the quality and quantity of medical care furnished to the civilian population. Government restrictions on the transport of items such as cement, batteries, and currency into the LTTE-controlled areas also had a negative impact on the relief work of NGO's in those areas.

The Ministry of Defense reported capturing several LTTE terrorists on the battlefield during the year. It sent these and other cadres who surrendered or whom security forces arrested to rehabilitation centers. The ICRC continued to visit approximately 100 former LTTE members in government rehabilitation camps, although the October 2000 massacre of more than 20 such detainees at a government-run detention facility at Bindunuwewa, near Bandarawella, led observers to question the continued security of residents of these facilities (see Section 1.a.).

In view of the scale of hostilities in previous years and the large number of LTTE casualties, some observers have found the number of prisoners taken under battlefield conditions to be low and have concluded that many LTTE fighters apparently were killed rather than taken prisoner. Some observers believed that, on the government side, an unwritten "take-no-prisoners" policy generally has remained in effect. The military denied this claim, stating that other factors limited the number of prisoners taken, such as the LTTE's efforts to remove injured fighters from the battlefield, the proclivity of its fighters to choose suicide over capture, and the LTTE's occasional practice of killing its own badly injured fighters (see Section 1.a.). There were no reports of security forces personnel executing LTTE cadres during the year, and no army or other security forces personnel were prosecuted or disciplined for allegedly executing prisoners from previous years.

The Government refused to permit relief organizations to provide medical attention to injured LTTE fighters, although it has offered to treat any LTTE injured entrusted to government care. According to credible reports, injured LTTE cadres surrendering to the Government received appropriate medical care.

The LTTE admits that it kills security forces personnel rather than take them prisoner. Past eyewitness accounts confirm that the LTTE has executed injured soldiers on the battlefield. At year's end, the LTTE admitted to holding only 11 security forces prisoners, all captured in 1993 and 1994. The LTTE is believed to have killed most of the police officers and security force personnel captured in the past few years. The LTTE in 1999 transferred 11 captured SLA members to the ICRC. In February 2000, the LTTE released four servicemen and in June 2000 released one civilian. However, there have been no reports that the LTTE released prisoners during the year.

The LTTE uses excessive force in the war. During the course of the year, the LTTE killed more than 100 civilians (see Section 1.a.). The LTTE has engaged in hostage taking, hijackings, and bombing of civilian targets.

In July the LTTE attacked Colombo's main airbase and international airport. During the attack, the LTTE destroyed six military and four civilian aircraft. The LTTE also damaged the civilian airport.

The LTTE is regularly accused of killing civilians. For example, the LTTE was accused of killing four Sinhalese villagers at Wahalkada village in March, and killing a Tamil civilian and injuring 15 others in Trincomalee in June (see Section 1.a.).

The LTTE uses child soldiers. In August five children ranging in age from 14 to 17 years surrendered or were captured by the armed forces in whose custody they remain. Credible sources reported increased LTTE recruitment, including recruitment of children, in the final third of the year.

The LTTE expropriates food, fuel, and other items meant for IDP's, thus exacerbating the plight of such persons in LTTE-controlled areas. Malnutrition remained a problem in LTTE-controlled areas as well as in other parts of the Vanni region, with nutrition levels falling below the national average. Experts have reported a high rate of anemia and a low birth rate, both of which indicate lower levels of nutrition. Confirmed cases of malnutrition included hundreds of children. Malnutrition resulted from several factors, including food shortages, poverty, and conflict-related

dislocations. However, a survey completed by Medecins Sans Frontieres in 1999 found malnutrition levels in the war-affected areas at about the same level as in the war-free south of the country. Medical sources distinguish between “undernourished” children (of which there are many throughout the country) and “malnourished” children.

Landmines were a problem in Jaffna and the Vanni and to some extent in the east. Landmines, booby traps, and unexploded ordnance pose a problem to resettlement of displaced persons and rebuilding. A U.N. landmine team tasked with locating and mapping LTTE and army mines in the Jaffna peninsula suspended its mission in April 2000 stating that it was impossible to continue as long as hostilities continued. According to the Landmine Monitor Report for 2000, both the LTTE and the military abandoned promises given in 1999 not to place new mines in areas designated for civilian resettlement. In August a civilian bus travelling to Trincomalee hit a land mine injuring 30 of its passengers. In September a vehicle carrying a family hit a mine approximately 5 kilometers north of Jaffna, killing all six passengers and the driver. Sources have confirmed that the SLA is making efforts to clear explosives from areas that it has recaptured.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and expression; however, the Government restricts these rights in practice, often using national security grounds permitted by law. During the year, the Government limited the access of domestic and foreign media to information and continued to censor news relating to the military and security situation. In 1998 the Government imposed direct censorship on all domestic and foreign media reports relating to ongoing or possible future military and other security operations. The Government reissued its censorship order in November 1999 after the military suffered setbacks in the field. The Government officially lifted the censorship on war reporting in June. However, even when no specific government censorship is exercised, private television stations impose their own, informal censorship on international television news rebroadcast in the country.

Despite earlier campaign promises to divest itself of its media holdings, the Government controls the country’s largest newspaper chain, two major television stations, and the Sri Lanka Broadcasting Corporation (SLBC, a radio station). There are a variety of independent, privately owned newspapers, journals and radio and television stations, most of which freely criticize the Government and its policies. There also is a privately owned newspaper published in Jaffna. The Government imposes no political restrictions on the establishment of new media enterprises.

The President officially eased censorship restrictions on foreign journalists in a circular published in June 2000; however, material for publication or broadcast within the country, regardless of author, remained subject to government approval until the repeal of censorship laws in June. Credible claims of harassment and intimidation of private media by the government continue.

Human rights observers comment that Tamils from the north or east who criticize the Sri Lankan military and Government are often harassed and sometimes arrested. They cite the case of Thiviyan Krishnasamy, a student leader in Jaffna and critic of the military in the Jaffna area. He was arrested in July (see Section 1.c).

In September 2000, police arrested a young man for criticizing the President on a radio call-in show. Police traced the call to discover the caller’s address. The young man’s parents alleged that he had a mental illness and could not be held responsible for his comments. At year’s end, the young man remained in prison pending a hearing of the case.

In 2000 police detained two persons for questioning in connection with the 1999 murder of Rohana Kumara, editor of a Sinhala-language newspaper which had been critical of leading figures in the ruling coalition. By year’s end, no one had been charged in connection with the case. Similarly, authorities made no progress in the 1999 killing of Ramesh Nadarajah, a Tamil Member of Parliament and the editor of a Tamil-language weekly. Both cases remain open.

In March 1999, an army brigadier allegedly abducted and assaulted a journalist working for an independent Sinhala-language newspaper. Police arrested the brigadier, after which courts granted him bail. The case has not come to trial.

In February 1998, armed men attacked a journalist who regularly reported on defense matters, including corruption in military procurements. The Government criticized the attack; it subsequently arrested and indicted two air force personnel in the case, including the bodyguard of a former Commander of the Air Force. A formal indictment was handed down in 1999. Courts postponed the hearings several times during the past two years; the case was scheduled to continue in 2002.

The Supreme Court appeal of the editor of a leading national newspaper who was convicted of defaming the President in 1997 still is pending at year's end. Other defamation cases filed by the President against editors of major newspapers who either had criticized the Government or supported the opposition remained pending. Threats of further complaints to be filed by the Government or President continue. Journalists viewed these cases as frivolous and intended only to intimidate and harass the media.

The Sri Lanka Tamil Media Alliance (SLTMA) was formed in 1999 to protect the interests of Tamil journalists, who allege that they are subject to harassment and intimidation by Tamil paramilitary groups and Sri Lankan security forces. Regional Tamil correspondents working in the war zones have complained of arbitrary arrest and detention and difficulty in obtaining press accreditation. The SLTMA has filed cases on behalf of Tamil journalists, but its cases have not yet succeeded in the courts.

Travel by local and foreign journalists to conflict areas was restricted, as they were required to obtain advance permission from the Ministry of Defense to visit such areas. The Foreign Ministry also must approve visits to conflict areas by foreign journalists. Bureaucratic delays in processing requests have been reduced, but still are a problem. The Government occasionally arranges for groups of journalists to visit Jaffna and the vicinity of the front lines on tightly organized briefing tours. The Government remains the only source of most news about security and defense matters that can be disseminated to the public. The LTTE does not tolerate freedom of expression. It tightly restricts the print and broadcast media in areas under its control. The LTTE has killed those reporting and publishing on human rights.

The Government does not restrict access to the Internet.

The Government generally respects academic freedom.

The LTTE does not respect academic freedom, and it has repressed and killed intellectuals who criticize it, most notably the moderate and widely respected Tamil politician and academic, Dr. Neelan Tiruchelvam, who was killed by a suicide bomber in July 1999. The LTTE also has severely repressed members of human rights organizations, such as the University Teachers for Human Rights (UTHR), and other groups. Many former members of the UTHR have been killed.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and the Government generally respects this right in practice. Although the PTA may be used to restrict this freedom, the Government did not use the act for that purpose during the year. The ER, which lapsed in July, also restricted the right of assembly, but was not invoked during the year. On July 19, the opposition held a rally despite claims by the Government that it was illegal under the 1981 Referendum Act, which essentially states that rallies and demonstrations of a political nature cannot be held when a referendum is scheduled. Security forces killed two persons when the government confronted the rally with force, prompting further demonstrations. However, the Government generally grants permits for demonstrations, including those by opposition parties and minority groups. Nonetheless, both the main opposition UNP and the PA Government continued to accuse each other of political thuggery and hooliganism, complaining that supporters of the opposing party disrupted rallies and other political events.

On April 30 a violent clash between the Sinhalese and Muslim communities occurred in Mawanella. The Muslim community protested alleged police inaction concerning the assault on a Muslim store clerk. In response, a group of Sinhalese attacked the Muslim protesters. As the conflict escalated, two Muslims were killed and scores of buildings and a few vehicles were destroyed. Police reportedly did nothing to stop the destruction of Muslim property. Minor protests by Muslims continued until May 4, when there was a large-scale protest in Colombo. The police broke up the demonstration with force and imposed a curfew on the city. The Government was investigating the Mawanella incident at year's end.

The law provides for freedom of association and the Government respects this right in practice. Although the PTA may restrict this right, the Government did not use the act for that purpose during the year.

The LTTE does not allow freedom of association in the areas that it controls. On the Jaffna peninsula, the LTTE occasionally has posted in public places the names of Tamil civilians accused of associating with security forces and other Government entities. The LTTE has killed Tamil civilians who have cooperated with the security forces in establishing a civil administration in Jaffna under a political leadership elected freely and fairly in January 1998.

c. Freedom of Religion.—The Constitution gives Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the Government respects this right in practice. Despite the special status

afforded by the Constitution to Buddhism, major religious festivals of all faiths are celebrated as public holidays.

Foreign clergy may work in the country, but for the last 30 years, the Government has sought to limit the number of foreign religious workers given temporary work permits. Permission usually is restricted to denominations registered with the Government. The Government has prohibited the entry of new foreign clergy on a permanent basis. It permitted those already in the country to remain.

Some evangelical Christians have expressed concern that their efforts at proselytizing often meet with hostility and harassment from the local Buddhist clergy and others opposed to their work. They sometimes complain that the Government tacitly condones such harassment, but there is no evidence to support this claim.

LTTE terrorists expelled virtually the entire Muslim population from their homes in the northern part of the island in 1990. Most of these persons remain displaced. In the past, the LTTE expropriated Muslim homes, lands, and businesses and threatened Muslim families with death if they attempted to return (see Section 2.d.).

The LTTE attacked Buddhist sites, most notably the historic Dalada Maligawa or "Temple of the Tooth," the holiest Buddhist shrine in the country, in Kandy in January 1998. In May 2000, an LTTE bombing near a temple at the Buddhist Vesak festival in Batticaloa killed 23 persons and injured dozens of others (see Section 1.a.).

The LTTE has been accused in the past of using church and temple compounds, where civilians are instructed by the Government to congregate in the event of hostilities, as shields for the storage of munitions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to [the country]," and the Government generally respects the right to domestic and foreign travel; however, the war with the LTTE prompted the Government to impose more stringent checks on travelers from the north and the east and on movement in Colombo, particularly after dark. Tamils must obtain police passes in order to move freely in the north and east, and frequently they are harassed at checkpoints throughout the country (see Section 1.d.). These security measures have the effect of restricting the movement of Tamils.

The movement of persons in Jaffna is regulated strictly by military checkpoints throughout the city. Despite government pledges to ease restrictions on civilian travel to and from Jaffna, travel from Jaffna to other parts of the country remained extremely difficult due to security restrictions imposed by the security forces and the limited availability of transportation. The ICRC in September 2000 replaced its relief and supply ship with a new vessel. The ship evacuated civilians from Jaffna who needed medical treatment, but it also carried civilian passengers between Trincomalee and Jaffna on an as-needed basis. In addition, the Government hired a passenger vessel that operated between Trincomalee and Jaffna and transported medical supplies; in July 2000, the ICRC began providing escort for the ship under the ICRC flag, at the request of the Government and with the agreement of the LTTE. In September, the LTTE issued a warning to civilians not to travel on ships the Government was using to transport military personnel. Groups of military personnel sometimes use civilian ships to reach Jaffna.

The armed forces initially prevented more than 1,000 civilians from vacating conflict areas on the Jaffna peninsula during fighting in April and May 2000; however, the military quickly decided to permit civilians to evacuate the area after intense pressure by human rights groups. Fighting between Government and the LTTE has displaced hundreds of thousands of persons, with many displaced multiple times as front lines shift. Fighting in Jaffna between April and June 2000 displaced an estimated 150,000 more; most of whom sought shelter with friends or relatives in other areas of the peninsula. Another 340,000 displaced persons reportedly live in the Vanni. Since September 2000, 172,000 IDP's have been living in welfare centers ranging from camps, where conditions vary considerably, to settlements with a full range of government social services and food aid. By year's end, an estimated 500,000 to 800,000 IDP's, including those in the Vanni, had registered for government food aid, and were receiving medicine and other essential supplies from the Government. International NGO's were permitted access to the region.

The Government has sought to resettle the displaced where possible and has arranged for a number of those from Jaffna to return to their homes. Other attempts at resettlement also have proved successful. Over the years, the Government, in cooperation with the UNHCR, built permanent housing for 18,000 Muslims in the Puttalam area. An additional one-time resettlement program relocated 800 families by September, with a stated goal of 1,500 families by year's end. Many of those re-

settled later were displaced by subsequent fighting, including those who returned to their homes north and east of Vavuniya in 1999, but were forced to flee again when the LTTE retook the area starting in November, 1999.

The LTTE has discriminated against Muslims, and in 1990 expelled some 46,000 Muslim inhabitants—virtually the entire Muslim population—from their homes in areas under LTTE control in the northern part of the island. Most of these persons remain displaced and live in or near welfare centers. Although some Muslims returned to Jaffna in 1997, they did not remain there due to the continuing threat posed by the LTTE. There are credible reports that the LTTE has warned thousands of Muslims displaced from the Mannar area not to return to their homes until the conflict is over. In the past, the LTTE has expropriated Muslim homes, land, and businesses and threatened Muslim families with death if they attempt to return. However, it appears that these attacks by the LTTE are not targeted against persons due to their religious beliefs; rather, it appears that they are part of an overall strategy to clear the north and east of persons not sympathetic to the cause of an independent Tamil state.

Between October 1996 and the end of 1999, over 150,000 persons moved out of LTTE-controlled regions through Vavuniya and other transit points in government controlled regions. Of these, over 100,000 reached Jaffna and other Tamil-majority areas. Many had left the Vanni region with the intention of proceeding south; they opted for other destinations only after learning that they would have to remain in transit camps until security clearances for southward travel were obtained. Obtaining a clearance can take up to 4 months in some cases, and some human rights groups alleged that the procedures were arbitrary and unreasonably strict. The Government restricts the movement of displaced Tamils due to possible security, economic, and social concerns. During the year, persons crossed illegally from LTTE-controlled to government-controlled areas. These individuals encountered strenuous security checks in Vavuniya that often took months, further contributing to crowding in the transit camps. While the Government had a legitimate interest in identifying LTTE infiltrators, it also appeared reluctant to allow displaced Tamils to travel to Colombo where they might contribute to unemployment and other social problems. At year's end, approximately 42,000 displaced persons continued to live with relatives in substandard conditions or in camps in Vavuniya and Mannar.

Following the Government's capture of Jaffna in 1995, the LTTE began to allow persons to move more freely into government-controlled areas, although it still extracts a small fee for "travel passes" to leave the Vanni, and it rarely allows entire families to leave at once. The LTTE occasionally disrupts the flow of persons exiting the Vanni region through the one established and legal checkpoint. In the past, the LTTE disrupted the movement of IDP's from Trincomalee to Jaffna by hijacking or attacking civilian shipping, although there were no such reports this year. Humanitarian groups estimate that more than 200,000 IDP's live in LTTE-controlled areas (see Section 1.g.).

Several thousand Tamils fled LTTE-controlled areas to Tamil Nadu in southern India in 1998. An estimated 65,000 Tamil refugees live in camps there, having left the country at various times throughout the period of the conflict. Approximately 100,000 refugees may have integrated into Tamil society in India over the years. A small number returned from India during the year.

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. The Government does not permit the entry of refugees into the country or grant first asylum, nor does it aid those who manage to enter to seek permanent residence elsewhere. The law does not include provisions for granting refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There were no reported instances of forcible repatriation of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government through periodic multiparty elections based on universal adult suffrage; however, recent elections have been marred by violence and irregularities. The country is a longstanding democratic republic with an active multiparty system. Power is shared between the popularly elected President and the 225-member Parliament. The right to change the government was last exercised in December parliamentary elections in which the United National Front, a coalition of parties led by the United National Party (UNP), won a majority in Parliament for the next 6-year period. Fearing possible infiltration by the LTTE, the Government prohibited more than 40,000 Tamil voters from LTTE-controlled territories from crossing army checkpoints to vote. The December and

2000 parliamentary elections were marred by voting irregularities and violence. Violence also plagued the 1999 presidential elections; several persons died and many more were injured, including the President and the Justice Minister, in an LTTE suicide bomb attack. Elections Commission officers reported misuse of postal votes in the 1999 Northwest ("Wayamba") Province elections.

The President suspended Parliament from July to September out of concern that her coalition had lost its majority in Parliament because of defections. The ruling PA coalition reestablished control through an accord with a leftist party. The suspension of Parliament angered opposition parties, which sponsored numerous demonstrations. One of these demonstrations, on July 19, ended with the deaths of two marchers killed by security forces (see Section 2.b.). However, after further defections from her coalition, the President dissolved Parliament on October 10 and called for elections to take place on December 5.

On December 5 12 supporters of the Sri Lankan Muslim Congress were killed, apparently by hired thugs of a PA candidate. Despite an extremely violent campaign, including credible reports on the use of intimidation by both of the major parties, voter turnout exceeded 70 percent. The People's Alliance for Free and Fair Elections (PAFFREL) reported 755 incidents of violence and 49 deaths; The Center for Monitoring Election Violence (CMEV) reported 4,208 incidents, and 73 deaths; and the police reported 2,247 incidents, and 45 deaths during the year.

In September the Parliament passed the 17th Amendment, which established an independent Commission on Elections (among other commissions), which is to be tasked with ensuring free and fair elections; however, implementing legislation has yet to be passed.

A European Union monitoring mission, in its final report on the 2000 elections, expressed concern about violence and irregularities in the voting, but concluded that the election "did to a reasonable degree reflect the will of the electorate."

The Commissioner of Elections recognized 46 parties at the time of general elections in October 2000; only 13 parties actually held seats in the 225-member Parliament elected during the year. The two most influential parties, the Sri Lanka Freedom Party (the principal component party of the governing PA coalition) and the UNP, generally draw their support from the majority Sinhalese community. These two parties have alternated in power since independence.

In response to sharp criticism about the way that the 1999 vote was conducted, the President appointed a commission staffed by two retired judges to evaluate allegations of electoral fraud. Although they agreed that the poll was flawed, no new election was called. In February 1999, the President also created a bipartisan monitoring committee (which she chaired) to ensure that the remaining provincial council elections were "free and fair." Two local election-monitoring organizations found that the 1999 presidential vote was flawed in more than 10 percent of polling stations. A group of 26 international observers invited by the Government to observe the elections stated that they saw no evidence of fraud in the 1999 presidential elections, but they admitted the possibility of irregularities and suggested ways for improving the voting system to prevent cheating.

Although there are no legal impediments to the participation of women in politics or government, the social mores in some communities limit women's activities outside the home, and the percentage of women in government and politics does not correspond to their percentage of the population. In November 1994, a woman was elected President for the first time; she was reelected in December 1999 for a second term. Eleven women held seats in the Parliament that completed its term in August 2000. In addition to the Prime Minister, the Minister for Women's Affairs, and the Minister of Social Services, a number of women held posts as deputy ministers in the last parliament. Of the 5,000 candidates for the October 2000 parliamentary elections, 116 were women and 7 of them won seats in the October elections. Only one woman (Minister of Women's Affairs) was appointed to the new cabinet formed after the December 5 elections.

The Parliament elected in October 2000 has 23 Tamil and 22 Muslim members.

The LTTE refuses to allow elections in areas under its control, although it did not oppose campaigning in the east during the October parliamentary elections. Through a campaign of killing and intimidation, it effectively undermined the functioning of local government bodies in Jaffna, whose members were elected in January 1998. This campaign included the killing of 2 of Jaffna's mayors and death threats against members of the 17 local councils. Throughout the period of the conflict, the LTTE has killed popularly elected politicians, including those elected by Tamils in areas the LTTE claims as part of a Tamil homeland.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic human rights NGO's, including the Movement for Interracial Justice and Equality (MIRJE), the University Teachers for Human Rights, Jaffna (UTHR-J), the Civil Rights Movement (CRM), and the Law and Society Trust (LST), monitor civil and political liberties. There are no adverse regulations governing the activities of local and foreign NGO's, although in February 1999, the Government began requiring NGO's to include action plans and detailed descriptions of funding sources as part of its official registration process. Some NGO workers saw this as an attempt by the Government to exert greater control over the NGO sector after human rights groups criticized the Government's handling of the Wayamba elections in January 1999 (see Section 3). Few NGO's complied with these new reporting requirements. The Government generally cooperated with NGO's, members of Parliament, and other officials participating in seminars and other events concerning human rights and humanitarian affairs.

The Government allowed the ICRC unrestricted access to detention facilities (see Sections 1.c. and 1.d.). The ICRC provides international humanitarian law training materials and training to the security forces. The UNHCR, the ICRC, and a variety of international NGO's assisted in the delivery of medical and other essential supplies to the Vanni area, despite the many restrictions on such supplies (see Section 1.g.).

In the first 6 months of the year, the HRC conducted 680 visits to police stations and over 300 visits to detention facilities. The HRC has over 4,000 cases of alleged human rights abuse pending. The Commission's investigation into the allegations by former Lance Corporal Rajapakse about mass graves at Chemmani in Jaffna resulted in exhumations in 1999 that provided the basis for the ongoing case (see Section 1.a.). Nonetheless, human rights observers believed that the work of the HRC was hampered severely by a lack of strong leadership. The HRC also has been criticized for micromanaging the activities of field offices, which are equipped poorly. The establishment of the CIUAH in 1998 strengthened claims of the HRC's ineffectiveness because the responsibilities of the CIUAH clearly fell within the HRC's mandate (see Section 1.d.). New commissioners were appointed in March 2000, after the tenure of the previous commissioners expired. Activists have expressed some satisfaction with the new leadership, especially for its prompt investigation into the Bindunuwewu massacre.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal rights under the law for all citizens, and the Government generally respects these rights. The Supreme Court regularly upholds court rulings in cases in which individuals file suit over the abridgment of their fundamental civil rights. The HRC and the CIUAH are other mechanisms that the Government has established to ensure enforcement of constitutional provisions in addition to access to the courts (see Section 1.d.).

Women.—Sexual assault, rape, and spousal abuse (often associated with alcohol abuse) continued to be serious and pervasive problems.

Amendments to the Penal Code introduced in 1995 specifically addressed sexual abuse and exploitation and modified rape laws to create a more equitable burden of proof and to make punishments more stringent. Marital rape is considered an offense in cases of spouses living under judicial separation, and laws govern sexual molestation and sexual harassment in the workplace. While the Penal Code may ease some of the problems faced by victims of sexual assault, many women's organizations believe that greater sensitization of police and judicial officials is required. The Government set up the Bureau for the Protection of Children and Women within the police in 1994 to respond to calls for greater awareness and attention; however, there was no information on any actions taken by the Bureau nor on the number of crimes against women.

Although laws against procuring and trafficking were strengthened in 1995, trafficking in women for the purpose of forced labor occurs (see Sections 6.c. and 6.f.).

During the year, there were a number of reports of security forces raping women in custody (see Section 1.c.). During the first 6 months of the year, police reported a total of 36 rape case investigations, 5 of which involve security force personnel. There have been no convictions in the cases involving security force personnel.

The Constitution provides for equal employment opportunities in the public sector. However, women have no legal protection against discrimination in the private sector where they sometimes are paid less than men for equal work, often experience difficulty in rising to supervisory positions, and face sexual harassment. Women constitute approximately one-half of the formal work force.

Women have equal rights under national, civil, and criminal law. However, questions related to family law, including divorce, child custody, and inheritance, are adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who continue to follow their customary marriage practices. The application of different legal practices based on membership in a religious or ethnic group often results in discrimination against women.

Children.—The Government is committed to protecting the welfare and rights of children, but is constrained by a lack of resources. The Government demonstrates a strong commitment to children's rights and welfare through its extensive systems of public education and medical care. The law requires children between the ages of 5 and 14 to attend school. Approximately 85 percent of children under the age of 16 attend school. Education is free through the university level. Health care, including immunization, also is free.

In the period from January 1 to June 30, 2000, the police recorded 680 cases of crimes against children, compared with 767 cases for January 1 to the end of August. Many NGO's attribute the problem of exploitation of children to the lack of law enforcement rather than adequate legislation. Many law enforcement resources are diverted to the conflict with the LTTE, although the police's Bureau for the Protection of Children and Women conducts investigations into crimes against these two groups.

There is a serious problem of child prostitution in certain coastal resort areas. The Government estimates that there are more than 2,000 active child prostitutes in the country, but private groups claim that the number is much higher (see Section 6.f.). The bulk of child sexual abuse in the form of child prostitution is committed by citizens; however, some child prostitutes are boys who cater to foreign tourists. Some of these children are forced into prostitution (see Section 6.f.). The Government has pushed for greater international cooperation to bring those guilty of pedophilia to justice. The penalty for pedophilia is not less than 5 years and up to 20 years as well as an unspecified fine. Four cases of pedophilia were brought to court in 2000, one involving a foreigner. There were no convictions or arrests for pedophilia during the year.

Regular employment of children also occurs in the informal sector and in family enterprises (see Section 6.d.). Government inspections have been unable to eliminate these forms of child labor, although an awareness campaign coupled with the establishment of hot lines for reporting child labor has led to an increase in the prosecutions by the Labor Department regarding child labor violations. However, many thousands of children are believed to be employed in domestic service, although this situation is not regulated or documented. Many child domestics are reportedly subjected to physical, sexual and emotional abuse. Internal trafficking in male children for the purpose of prostitution is a problem (see Sections 6.d. and 6.f.).

The Government created the National Child Protection Authority (NCPA) in 1998. The law establishing the NCPA consolidated existing legislation and defined a child as anyone under age 18. Under the law, the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. The legislation further widened the definition of child abuse to include the involvement of children in war. The NCPA is comprised of representatives from the education, medical, retired police, and legal professions; it reports directly to the President. The LTTE uses child soldiers and recruits children, sometimes forcibly, for use in battlefield support functions and in combat. LTTE recruits, some as young as 13, have surrendered to the military, and credible reports indicate the LTTE has stepped up recruiting efforts (see Section 1.g.). In May 1998, the LTTE gave assurances to the Special Representative of the U.N. Secretary General for Children in Armed Combat that it would not recruit children under the age of 17. The LTTE has not honored this pledge.

Persons with Disabilities.—The law does not mandate accessibility to buildings or government services for persons with disabilities. The World Health Organization estimates that 7 percent of the population is persons with disabilities. Most persons with disabilities, who are unable to work, are cared for by their families. The Department of Social Services operates eight vocational training schools for persons with physical and mental disabilities and sponsors a program of job training and placement for graduates. The Government also provides some financial support to NGO's that assist persons with disabilities; subsidizes prosthetic devices and other medical aids for persons with disabilities; makes some purchases from suppliers with disabilities; and has registered 74 schools and training institutions for persons with disabilities run by NGO's. The Social Services Ministry has selected job placement officers to help the estimated 200,000 work-eligible persons with disabilities

find jobs. In spite of these efforts, persons with disabilities still face difficulties because of negative attitudes and societal discrimination. In 1996 Parliament passed legislation forbidding discrimination against any person on the grounds of disability. No cases are known to have been filed under this law.

Indigenous People.—The country's indigenous people, known as Veddas, number fewer than 1,000. Some prefer to maintain their isolated traditional way of life, and they are protected by the Constitution. There are no legal restrictions on their participation in the political or economic life of the nation. In August 1998, the Government fulfilled a long-standing Vedda demand when the President issued an order granting Veddas the right to hunt and gather in specific protected forest areas. The executive order granted the Veddas the freedom to protect their culture and to carry on their traditional way of life without hindrance. Under a pilot program, Veddas received special identity cards to enable their use of these forest areas. Some Veddas still complain that they are being pushed off of their land. Although many Veddas continue to pursue a traditional way of life, visits by tourists have become an important source of income for the community.

Religious Minorities.—Discrimination based on religious differences seems much less common than discrimination based on ethnicity or caste. In general, the members of the various faiths tend to be tolerant of each other's religious beliefs. However, on occasion, Christians have been harassed by Buddhist monks for their alleged attempts to convert Buddhists to Christianity. Catholic clergy, for example, have reported non-violent incidents of this sort in the south during the year. In the past, evangelical Christians have reported similar incidents (see Section 2.c.).

There are reports that members of various religious groups give preference in hiring in the private sector to members of their own group or denomination. This practice likely is linked to the country's ongoing ethnic problems and does not appear to be based principally on religion. There is no indication of preference in employment in the public sector on the basis of religion.

In April three Sinhalese men attacked a Muslim cashier. The Muslim community in Mawanella protested police inaction regarding the attack. In response approximately 2,000 Sinhalese, including Buddhist monks, rioted in the Muslim section of town and confronted the Muslim protesters. Two Muslims were killed, and a number of buildings and vehicles were destroyed. The Muslim community throughout the western portion of the country staged a number of protests claiming the police did nothing to prevent the riot. Some of the protests resulted in clashes between the Muslim and Sinhalese communities.

The LTTE has attacked notable Buddhist sites. In May 2000, 23 persons were killed and dozens injured when an LTTE bomb exploded near a temple at the Buddhist Vesak festival.

The LTTE allowed Roman Catholics access to a shrine at Madha in the north this year. Thousands of Catholics took the opportunity to visit the shrine.

National/Racial/Ethnic Minorities.—There are approximately one million Tamils of comparatively recent Indian origin, the so-called "Hill" Tamils or "Indian" Tamils, whose ancestors originally were brought to the country in the 19th century to work on plantations. Approximately 75,000 of these persons do not qualify for either Indian or Sri Lankan citizenship and face discrimination, especially in the allocation of government funds for education. Without national identity cards, they also are vulnerable to arrest by the security forces. However, the Government has stated that none of these persons would be forced to depart the country. During 1999, the Government introduced a program to begin registering these individuals; 15,300 Hill Tamils received identity cards between January and September 30. Some critics charged that the program did not progress fast enough.

Both Sri Lankan and Hill Tamils maintain that they have long suffered systematic discrimination in university education, government employment, and in other matters controlled by the Government. In 1996 the Government established a parliamentary select committee to consider a package of constitutional reforms designed to devolve wide-ranging powers to local governments, thereby providing ethnic minorities greater autonomy in governing their local affairs. While the two main political groupings, the PA and UNP, reached consensus on many aspects of the devolution proposals, when the Government introduced the draft Constitution to Parliament in August 2000 in hopes of passing the measures, it had to suspend debate on the new Constitution due to political opposition. The agreement under which the existing ruling coalition was formed prevented any further attempts at devolution. The LTTE rejected the devolution proposals.

Section 6. Worker Rights

a. The Right of Association.—The Government respects the constitutional right of workers to establish unions, and the country has a strong trade union tradition. Any

seven workers may form a union, adopt a charter, elect leaders, and publicize their views; however, in practice, such rights can be subject to administrative delays, and are unofficially discouraged. Nonetheless, approximately 25 percent of the 6.7 million person work force nationwide and more than 70 percent of the plantation work force, which is overwhelmingly Hill Tamil, is unionized. In total there are more than 1,000,000 union members, 650,000 of whom are women. Approximately 20 percent of the nonagricultural work force in the private sector is unionized. Unions represent most workers in large private firms, but those in small-scale agriculture and small businesses usually do not belong to unions. Public sector employees are unionized at very high rates and are highly politicized.

Most large unions are affiliated with political parties and play a prominent role in the political process, though major unions in the public sector are politically independent. More than 30 labor unions have political affiliations, but there are also a small number of unaffiliated unions, some of which have active leaders and a relatively large membership. In 2000 the most recent year for which data is available, the Department of Labor registered 183 new unions and canceled the registration of 132 others, bringing the total number of functioning unions to 1,583. More recent International Labor Organization (ILO) figures have not yet been published. The Department of Labor is authorized by law to cancel the registration of any union that does not submit an annual report. This requirement is the only legal ground for cancellation of registration.

All workers, other than civil servants and workers in "essential" services, have the right to strike. By law workers may lodge complaints with the Commissioner of Labor, a labor tribunal, or the Supreme Court to protect their rights. These mechanisms are effective; however, there can be lengthy delays in the resolution of cases. The Government periodically has controlled strikes by declaring some industries essential under the ER (which lapsed in July). The President retains the power to designate any industry as an essential service. The ILO has pointed out to the Government that essential services should be limited to services where an interruption would endanger the life, personal safety, or health of the population.

Civil servants collectively may submit labor grievances to the Public Service Commission, but they have no legal grounds to strike. Nonetheless, government workers in the transportation, medical, educational, power generation, financial, and port sectors have staged brief strikes and other work actions in the past few years. There were more than 100 public sector strikes during the year.

The law prohibits retribution against strikers in nonessential sectors. Employers may dismiss workers only for disciplinary reasons, mainly misconduct. Incompetence or low productivity are not grounds for dismissal. Dismissed employees have a right to appeal their termination before a labor tribunal.

Unions may affiliate with international bodies, and some have done so. The Ceylon Workers Congress, composed exclusively of Hill Tamil plantation workers, is the only trade union organization affiliated with the International Confederation of Free Trade Unions (ICFTU), although a new trade union in the Biyagama export processing zone (EPZ) is affiliated with the Youth Forum of the ICFTU. No national trade union center exists to centralize or facilitate contact with international groups.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to collective bargaining, and it is practiced widely. Large firms may have employees in as many as 60 different unions. In enterprises without unions, including those in the EPZ's, worker councils—composed of employees, employers and often a public sector representative—generally provide the forums for labor and management negotiation. The councils do not have the power to negotiate binding contracts, and labor advocates have criticized them as ineffective.

In December 1999, Parliament passed an amendment to the Industrial Disputes Act to require employers to recognize trade unions and the right to collective bargaining. The law prohibits antiunion discrimination. This law is being implemented. Employers found guilty of such discrimination must reinstate workers fired for union activities but may transfer them to different locations.

There are approximately 110,000 workers employed in three EPZ's, a large percentage of them women. Under the law, workers in the EPZ's have the same rights to join unions as other workers. Few unions have formed in the EPZ's, largely because of severe restrictions on access by union organizers to the zones. While the unionization rate in the rest of the country is approximately 25 percent, the rate within the EPZ's is only 10 percent. Labor representatives allege that the Government's Board of Investment, which manages the EPZ's, including setting wages and working conditions in the EPZ's, has discouraged union activity. Work councils in the EPZ's are chaired by the Government's Board of Investment (BOI) and only have the power to make recommendations. Labor representatives also allege that the Labor Commissioner, under BOI pressure, has failed to prosecute employers

who refuse to recognize or enter into collective bargaining with trade unions. While employers in the EPZ's offer generally higher wages and better working conditions than employers elsewhere, workers face other concerns, such as security, expensive but low quality boarding houses, and sexual harassment. In most instances, wage boards establish minimum wages and conditions of employment, except in the EPZ's, where wages and work conditions are set by the BOI.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor is prohibited under the law; however, there were reports of the use of forced or compulsory labor. There are reports of women being trafficked to the country for the purpose of prostitution (see Section 6.f.). Some children reportedly were trafficked and forced into prostitution (see Sections 5 and 6.f.). The law does not prohibit forced or bonded labor by children specifically, but government officials interpret it as applying to persons of all ages. In the past there were credible reports that some rural children were employed in debt bondage as domestic servants in urban households; some of these children reportedly had been abused; however, no cases were reported during the year.

There are credible reports that some soldiers attached to an army camp north of Batticaloa forced local villagers to build a wall around the camp during 2000, and that they beat individuals who refused to comply. The military apparently transferred the officer responsible for the forced labor when the abuse was publicized.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits labor by children under 14 years of age, but child labor is a problem and still exists in the informal sectors. The National Child Protection Authority Act (NCPA) combats the problem of child abuse, including unlawful child labor. The act consolidated existing legislation that established what types of employment are restricted for children, which age groups are affected, and what the minimum age for child labor is for particular jobs. The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited agricultural work. In January 2000, Parliament repealed a regulation that permitted domestic employment for children as young as age 12. The law permits the employment of persons under the age of 16 for not more than one hour on any day before school. The law also permits employment in any school or institution for training purposes. The Compulsory Attendance at Schools Act, which requires children between the ages of 5 and 14 to attend school, has been in effect since January 1998, although it still is being implemented. The ultimate effect that this act may have on the child labor problem remains unclear. Despite legislation, child labor still exists. A child activity survey carried out in 1998 and 1999 by the Department of Census and Statistics found almost 11,000 children between the ages of 5 and 14 working full time and another 15,000 engaged in both economic activity and housekeeping. The survey found 450,000 children employed by their families in seasonal agricultural work.

Persons under age 16 may not be employed in any public enterprise in which life or limb is endangered. There are no reports that children are employed in the EPZ's, the garment industry, or any other export industry, although children sometimes are employed during harvest periods in the plantation sectors and in non-plantation agriculture. A 1995 labor survey of the plantations indicated that half of all children in plantations drop out of school after the fourth grade, leaving a large pool of children between the ages of 10 and 15 available to pursue employment.

Many thousands of children are believed to be employed in domestic service, although this situation is not regulated or documented. A 1997 study reported that child domestic servants are employed in 8.6 percent of homes in the Southern Province. The same study reported that child laborers in the domestic service sector often are deprived of an education. Many child domestics are reportedly subjected to physical, sexual, and emotional abuse.

Regular employment of children also occurs in the informal sector and in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops. Children also are involved in the manufacture of coconut fiber products, bricks, fishing, wrapping tobacco, street trading, and farming. Government inspections have been unable to eliminate these forms of child labor (see Section 5), although an awareness campaign coupled with the establishment of hot lines for reporting child labor has led to an increase in the prosecutions regarding child labor violations by the Labor Department. The Labor Department reported 194 complaints regarding child labor in 2000, with 79 of these cases withdrawn due to lack of evidence or faulty complaints. The Department prosecuted 7 cases in 2000. In the first eight months of the year, the Labor Department reported 199 complaints, with 48 cases withdrawn and 40 prosecuted. According to the Ministry of Labor, there were 10 prosecutions for child labor (below the age of 14) during 2000. Under legis-

lation dating from 1956, the maximum penalty for employing minors is about \$12 (1,000 rupees), with a maximum jail term of 6 months.

Internal trafficking in male children for the purpose of prostitution is a problem (see Sections 5 and 6.f.). Estimates of the number of child prostitutes range from 2,000 to 30,000; however, there are no reliable statistics. Although forced or bonded labor by persons of any age is prohibited by law, some rural children reportedly have served in debt bondage, although there were no reports of this during the year (see Sections 5 and 6.c.). The Government ratified ILO Convention 182 on the Worst Forms of Child Labor on March 1.

The LTTE continued to use high school-age children for work as cooks, messengers, and clerks. In some cases, the children reportedly help build fortifications. In the past, children as young as age 10 were said to be recruited and placed for 2 to 4 years in special schools that provided them with a mixture of LTTE ideology and formal education. The LTTE uses children as young as 13 years of age in battle, and children sometimes are recruited forcibly into the LTTE (see Section 5). In May 1999, the LTTE began a program of compulsory physical training, including mock military drills, for most of the population of the areas that it controls, including for schoolchildren and the aged. This LTTE program still functions. According to LTTE spokesmen, this work is meant to keep the population fit; however, it is believed widely that the training was established in order to gain tighter control over the population and to provide a base for recruiting fighters.

e. Acceptable Conditions of Work.—The Department of Labor effectively enforces the minimum wage law for large companies through routine inspections; however, staffing shortages prevent the department from effectively monitoring the informal sector. While there is no universal national minimum wage, approximately 40 wage boards set minimum wages and working conditions by sector and industry. According to the statistics division of the Department of Labor, the Government in September 2000 mandated a \$5.00 (400 rupees) increase in the minimum wage for private sector workers, and government workers received an increase equal to 10 percent of their salary, with a minimum raise of \$12.50 (1000 rupees) per month. In October government employees received another wage increase of \$13 (1,200 rupees) per month. Minimum wage rates average approximately \$33.52 (2,682 rupees) per month in industry, commerce, and the service sector. The rate is approximately \$1.42 (114 rupees) per day in agriculture. The minimum wage in the garment industry is \$31.00 (1,200 rupees) per month. These minimum wages are insufficient to provide a decent standard of living for a worker and the standard family of five, but the vast majority of families have more than one breadwinner.

Most permanent full-time workers are covered by laws that prohibit them from regularly working more than 45 hours per week (a 5½-day workweek). Such workers also receive 14 days of annual leave, 14 to 21 days of medical leave, and approximately 20 local holidays each year. Maternity leave is available for permanent and seasonal or part-time female workers. Several laws protect the safety and health of industrial workers, but the Ministry of Labor's small staff of inspectors is inadequate to enforce compliance with the laws. Workers have the statutory right to remove themselves from situations that endanger their health, but many workers are unaware of, or indifferent to, health risks, and fear that they would lose their jobs if they removed themselves. Health and safety regulations do not meet international standards.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, Sri Lanka is a country of origin and destination for trafficked persons, primarily women and children for the purposes of forced labor, and for sexual exploitation. Sri Lankan women travel to Middle Eastern countries to work as domestics and some have reported being forced into domestic servitude and sexual exploitation. Sri Lankan women are trafficked to Singapore for purposes of sexual exploitation. Some Sri Lankan children are trafficked internally both for sexual exploitation and as domestics. Citizens are trafficked to the United Kingdom for labor exploitation. Boys are trafficked to the Middle East (primarily Qatar and the United Arab Emirates) as camel jockeys. According to police reports, there is a floating pool of approximately 200 foreign female sex workers in the country who may have been trafficked from the former Soviet Union, Thailand, and China.

Internal trafficking in male children is also a problem, especially from areas bordering the northern and eastern provinces. Protecting Environment and Children Everywhere (PEACE), a domestic NGO, estimates that there are at least 5,000 male children between the ages of 8 and 15 years who are engaged as sex workers both at beach and mountain resorts. Some of these children are forced into prostitution by their parents or by organized crime (see Section 5). PEACE also reports that an additional 7,000 young men aged 15 to 18 years are self-employed prostitutes.

There is evidence of continuing international interest in Sri Lankan children for the sex trade as evidenced in tourism by foreign pedophiles, and an increase in Internet sites featuring child pornography involving the country's children.

Penal Code amendments enacted in 1995 provide for penalties for trafficking in women including imprisonment for 2 to 20 years, and a fine. For trafficking in children, the law allows imprisonment of 5 to 20 years, and a fine.

The Government took action during the year to prepare a national plan to combat the trafficking of children. This project is part of a regional project funded by the ILO.

The country has a reputation as a destination for foreign pedophiles. Officials believe that approximately 30 percent of the clients are tourists and 70 percent are locals. The Government occasionally prosecuted foreign pedophiles, and there have been some convictions; however there were no such convictions during the year. Many NGO's attribute the problem of child exploitation to a lack of law enforcement.